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Illinois Register

Rules of Governmental Agencies

Volume 19, Issue 32— August 11, 1995

Pages 11444 - 11706

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Administrative Code Div.
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Editor's Note: The Cumulative Index and Sections Affected Index will be printed on a quarterly basis. The printing schedule for the quarterly and annual indexes are as follows:

April	14, 1995 - Issue 15: Through	March 31, 1995
July	14, 1995 - Issue 28: Through	June 30, 1995
October	15, 1995 - Issue 37: Through	September 30, 1995
January	12, 1996 - Issue 2: Through	December 31, 1995 (Annual)

INTRODUCTION

The *Illinois Register* is the official state document for publishing public notice of rulemaking activity initiated by State governmental agencies. The table of contents is arranged categorically by rulemaking activity and alphabetically by agency within each category. The Register also contains a Cumulative Index listing alphabetically by agency the Parts (sets of rules) on which rulemaking activity has occurred in the current Register volume year and a Sections Affected Index listing by Title each Section (including supplementary material) of a Part on which rulemaking activity has occurred in the current volume year. Both indices are action coded and are designed to aid the public in monitoring rules.

Rulemaking activity consists of proposed or adopted new rules; amendments to or repealers of existing rules; and rules promulgated by emergency or peremptory action. Executive Orders and Proclamations issued by the Governor; notices of public information required by State statute; and activities (meeting agendas, Statements of Objection or Recommendation, etc.) of the Joint Committee on Administrative Rules (JCAR), a legislative oversight committee which monitors the rulemaking activities of State agencies; is also published in the Register.

The Register is a weekly update to the *Illinois Administrative Code* (a compilation of the rules adopted by State agencies). The most recent edition of the Code along with the Register comprise the most current accounting of State agencies' rules.

The Illinois Register is the property of the State of Illinois, granted by the authority of the Illinois Administrative Procedure Act [5 ILCS 100/1-1 et seq.].

REGISTER PUBLICATION SCHEDULE 1995

Material Rec'd after 12:00 p.m. on:	And before 12:00 p.m. on:	Will be in Issue #:	Published on:
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Dec. 27, 1994	Jan. 3, 1995	2	Jan. 13, 1995
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Jan. 10, 1995	Jan. 17, 1995	4	Jan. 27, 1995
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Jan. 31, 1995	Feb. 7, 1995	7	Feb. 17, 1995
Feb. 7, 1995	Feb. 14, 1995	8	Feb. 24, 1995
Feb. 14, 1995	Feb. 21, 1995	9	Mar. 3, 1995
Feb. 21, 1995	Feb. 28, 1995	10	Mar.10, 1995
Feb. 28, 1995	Mar. 7, 1995	11	Mar. 17, 1995
Mar. 7, 1995	Mar. 14, 1995	12	Mar. 24, 1995
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Oct. 24, 1995	Oct. 31, 1995	45	Nov. 13, 1995 (Mon.)
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Dec. 19, 1995	Dec. 26, 1995	1	Jan. 5, 1996
Dec. 26, 1995	Jan. 2, 1996	2	Jan. 12, 1996

Please note: When the Register deadline falls on a State holiday, the deadline becomes 4:30 p.m. on Monday *(the day before).*

Printed by authority of the
State of Illinois
August 1995 – 890 – GA-0120

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part:

Tanning Facilities Code

2) Code Citation:

77 Ill. Adm. Code 795

3) Section Numbers: Proposed Action:

795.30	Amendment
795.60	Amendment
795.90	Amendment

4) Statutory Authority:

The Tanning Facility Permit Act [210 ILCS 145]

5) A Complete Description of the Subjects and Issues Involved:

These amendments add new definitions for "change of ownership," "existing facility," "new facility," and "expired facility." They clarify Department policy concerning permit fee requirements for expired facilities, stating that expired facilities that fail to pay a $250 permit fee within sixty days of the expiration of their previous permit shall be held to all new facility requirements before the issuance of a new facility permit.

Implementation of the amendments will ease an economic burden on expired tanning facilities when they comply with the 60 day permit fee payment timeframe. Under current rules, such facilities would be required to remove all installed carpeting from rooms containing tanning equipment and replace such carpeting with non-absorbent, easily cleanable flooring. The rulemaking, by recognizing the definition of "expired facility," allows facilities to retain carpeting in rooms containing tanning equipment until the facility is extensively remodeled, relocated or undergoes a change of ownership.

6) Will this Rulemaking Replace an Emergency Rule Currently in Effect? Yes

7) Does this Rulemaking Contain an Automatic Repeal Date? No

8) Does this Rulemaking Contain any Incorporations by Reference? No

9) Are there any Other Proposed Amendments Pending on this Part? No

10) Statement of Statewide Policy Objectives:

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

This rulemaking neither creates nor expands a state mandate on units of local government.

11) Time, Place, and Manner in which Interested Persons May Comment on this Rulemaking:

Interested persons may present their comments concerning these rules by writing to Gail M. DeVito, Division of Governmental Affairs, Illinois Department of Public Health, 535 West Jefferson, Fifth Floor, Springfield, Illinois 62761, (217)782-6187 within 45 days after this issue of the *Illinois Register*.

These rules may have an impact on small businesses. In accordance with the Illinois Administrative Procedure Act, any small business may present their comments in writing to Gail M. DeVito at the above address.

Any small business (as defined in the Illinois Administrative Procedure Act) commenting on these rules shall indicate their status as such, in writing, in their comments.

12) Initial Regulatory Flexibility Analysis:

A) Type of Small Businesses, Small Municipalities, and Not-For-Profit Corporations Affected:

Tanning facilities.

B) Reporting, Bookkeeping or Other Procedures Required for Compliance:

Submittal of permit renewal application and payment of required permit fee are required for compliance with this rulemaking.

C) Types of Professional Skills Necessary for Compliance:

No professional skills are required for compliance with this rulemaking.

13) State reasons for this rulemaking if it was not included in either of the two most recent regulatory agendas:

A recent interpretation of the Department's rules determined that facilities that failed to renew their permits in a timely manner faced additional economic burden in having to remove installed carpeting from rooms containing tanning equipment.

The full text of the Proposed Rules is identical to the full text of the Emergency Rules which begins on page 11650 in this issue of the *Illinois Register*:

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Admissions and Credentials

2) Code Citation: 11 Ill. Adm. Code 1428

3) Section Numbers: Proposed Action:

1428.30 Amendment

4) Statutory Authority: 230 ILCS 5

5) A complete description of the subjects and issues involved: This rulemaking changes the weekly remittance day for taxes from Monday to Thursday.

6) Will these proposed amendments replace emergency amendments currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporation by reference? No

9) Are there any other proposed amendments pending in this Part? No

10) Statement of Statewide Policy Objectives: No local governmental units will be required to increase expenditures.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Written comments should be submitted, within 45 days of this notice, to:

Gina DiCaro
Illinois Racing Board
Legal Department
100 West Randolph, Ste. 11-100
Chicago, IL 60601
(312) 814-2600

12) Initial Regulatory Flexibility Analysis:

A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: July 26, 1995

B) Types of small business affected: None

C) Reporting, bookkeeping or other procedures required for compliance: None

D) Types of professional skills necessary for compliance: None

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENTS

13) This rule was not included on either of the 2 most recent agendas because: This rulemaking was not anticipated by the Board, therefore, it was not published in a regulatory agenda.

The full text of the proposed amendment begins on the next page:

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENTS

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY
SUBTITLE B: HORSE RACING
CHAPTER I: ILLINOIS RACING BOARD
SUBCHAPTER g: RULES AND REGULATIONS OF HORSE RACING (THOROUGHBRED)

PART 1428
ADMISSIONS AND CREDENTIALS

Section
1428.10 State Admissions Tax
1428.20 Admission Records
1428.30 Weekly Remittance of Tax
1428.40 Admission Statements
1428.50 Delivery of Reports
1428.60 Board Approval of Tickets and Credentials
1428.70 Control Numbers
1428.80 Revocation of Tickets, Credentials
1428.90 Notice of State Tax
1428.100 Credential and Ticket Specimens
1428.110 Gate Cards
1428.120 Tax Exempt Credentials
1428.130 Report on Tax Exempt Credentials
1428.140 Concessionaires, Employees Credentials
1428.150 Requisitions for Passes
1428.160 Tax Exempt Credentials Report (Repealed)
1428.170 Summary of Tickets and Credentials
1428.180 Track Responsible for Credentials
1428.190 Board Access to Records
1428.200 Turnstiles
1428.210 Admission to Track
1428.220 Revocation of Credentials
1428.230 Admissions for Licensees
1428.240 Intertrack Wagering Location Licensee Admission Fees

AUTHORITY: Authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 [230 ILCS 5/9(b)].

SOURCE: Published in Rules and Regulations of Horse Racing (original date not cited in publication); amended March 14, 1975, filed and effective March 27, 1975; codified at 5 Ill. Reg. 11002; amended at 14 Ill. Reg. 17633, effective October 26, 1990; amended at 14 Ill. Reg. 20042, effective December 4, 1990; emergency amendment at 17 Ill. Reg. 3683, effective March 4, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 14049, effective August 16, 1993; amended at 19 Ill. Reg. _____, effective _____.

Section 1428.30 Weekly Remittance of Tax

The tax due hereunder shall be paid to the Board weekly and remittance made to

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENTS

the Board on Thursday ~~Monday~~ following the close of each week. The operator shall enclose with his remittance to the Board a sworn itemized statement signed by his treasurer or comptroller, showing the total attendance, the number of admissions, both paid and complimentary, the number of taxable and tax free admissions for eacn day of the preceding week.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF RECODIFICATION

1) Heading of the Part: Procedures for Issuing Loans from the Water Pollution Control Revolving Fund

2) Code Citation: 35 Ill. Adm. Code 365

3) Date of Administrative Code Division Review: August 1, 1995

4) Headings and Section Numbers of the Part Being Recodified:

Section Numbers	Headings:
365.101	Purpose
365.102	Administration
365.103	Definitions
365.104	Incorporations by Reference
365.201	Involvement of USEPA in the Operation of the Fund
365.202	Uses of the Fund
365.203	Agency Responsibilities under Title VI of the CWA
365.204	Requirements for Loan Recipients under Title VI of the CWA
365.301	Noncompliance with Loan Procedures
365.302	Stop-Work Order
365.303	Termination
365.304	Waiver of Procedures
365.401	Project Priority Determination
365.402	Pre-Applications for Financial Assistance and Identification of Projects to be Funded
365.403	Financial Assistance Application and Approval
365.404	Interest Rates
365.405	Restrictions on Refinancing
365.406	Limitation on Design Cost
365.501	Sewer System Evaluation and Rehabilitation
365.502	Loan Applicant's Responsibilities During Facilities Planning
365.503	State Environmental Review
365.504	Limitations on Awards for Individual Systems
365.505	Value Engineering Requirements
365.506	Areawide Waste Treatment Management Planning
365.601	Loan Requirements for all Subagreements
365.602	Construction Contracts of Loan Recipient
365.603	Contracts for Personal and Professional Services -- Consulting Engineering Agreements
365.604	Compliance with Procurement Requirements for Construction Contracts
365.605	Disputes
365.606	Indemnity

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF RECODIFICATION

365.607	Covenant Against Contingent Fees
365.701	Construction Initiation
365.702	Project Changes
365.703	Construction Engineering
365.704	Project Sign
365.705	Operation and Maintenance of the Project
365.706	Final Inspection
365.707	Project Performance Certification
365.801	Access
365.802	Audit and Records
365.803	Single Audit Act
365.901	Sewer Use Ordinance
365.902	User Charges
365.903	Financial Capability
365.904	Dedicated Source of Revenue
365.905	Floodplain Insurance
365.1001	Determination of Allowable Costs
365.1002	Use of Loan Funds and Payment of Unallowable Costs
365.1003	Disbursement of Loan Funds
365.1101	Loan Repayment to the Agency
365.1102	Delinquent Loan Repayments
APPENDIX A	Executive Orders
EXHIBIT A	Executive Order 11625
EXHIBIT B	Executive Order 12138
EXHIBIT C	Executive Order 12549

5) Outline of the Section Numbers and Headings of the Part as Recodified:

Section Numbers	Headings:
365.110	Purpose
365.120	Administration
365.130	Definitions
365.140	Incorporations by Reference
365.210	Involvement of USEPA in the Operation of the Fund
365.220	Uses of the Fund
365.230	Agency Responsibilities under Title VI of the CWA
365.240	Requirements for Loan Recipients under Title VI of the CWA
365.310	Noncompliance with Loan Procedures
365.320	Stop-Work Order
365.330	Termination
365.340	Waiver of Procedures
365.410	Project Priority Determination
365.420	Pre-Applications for Financial Assistance

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF RECODIFICATION

	and Identification of Projects to be Funded
365.430	Financial Assistance Application and Approval
365.440	Interest Rates
365.450	Restrictions on Refinancing
365.460	Limitation on Design Cost
365.510	Sewer System Evaluation and Rehabilitation
365.520	Loan Applicant's Responsibilities During Facilities Planning
365.530	State Environmental Review
365.540	Limitations on Awards for Individual Systems
365.550	Value Engineering Requirements
365.560	Areawide Waste Treatment Management Planning
365.610	Loan Requirements for all Subagreements
365.620	Construction Contracts of Loan Recipient
365.630	Contracts for Personal and Professional Services -- Consulting Engineering Agreements
365.640	Compliance with Procurement Requirements for Construction Contracts
365.650	Disputes
365.660	Indemnity
365.670	Covenant Against Contingent Fees
365.710	Construction Initiation
365.720	Project Changes
365.730	Construction Engineering
365.740	Project Sign
365.750	Operation and Maintenance of the Project
365.760	Final Inspection
365.770	Project Performance Certification
365.810	Access
365.820	Audit and Records
365.830	Single Audit Act
365.910	Sewer Use Ordinance
365.920	User Charges
365.930	Financial Capability
365.940	Dedicated Source of Revenue
365.950	Floodplain Insurance
365.1010	Determination of Allowable Costs
365.1020	Use of Loan Funds and Payment of Unallowable Costs
365.1030	Disbursement of Loan Funds
365.1110	Loan Repayment to the Agency
365.1120	Delinquent Loan Repayments
APPENDIX A	Executive Orders
EXHIBIT A	Executive Order 11625
EXHIBIT B	Executive Order 12138
EXHIBIT C	Executive Order 12549

6) Conversion Table of Present and Recodified Parts:

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF RECODIFICATION

Present Part:	Recodified Part:
365.101	365.110
365.102	365.120
365.103	365.130
365.104	365.140
365.201	365.210
365.202	365.220
365.203	365.230
365.204	365.240
365.301	365.310
365.302	365.320
365.303	365.330
365.304	365.340
365.401	365.410
365.402	365.420
365.403	365.430
365.404	365.440
365.405	365.450
365.406	365.460
365.501	365.510
365.502	365.520
365.503	365.530
365.504	365.540
365.505	365.550
365.506	365.560
365.601	365.610
365.602	365.620
365.603	365.630
365.604	365.640
365.605	365.650
365.606	365.660
365.607	365.670
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365.704	365.740
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365.801	365.810
365.802	365.820
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365.901	365.910
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365.904	365.940
365.905	365.905

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF RECODIFICATION

365.1001	365.1010
365.1002	365.1020
365.1003	365.1030
365.1101	365.1110
365.1102	365.1120
APPENDIX A	Executive Orders
EXHIBIT A	Executive Order 11625
EXHIBIT B	Executive Order 12138
EXHIBIT C	Executive Order 12549

OFFICE OF THE STATE FIRE MARSHALL

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Storage, Transportation, Sale and Use of Liquefied Petroleum Gases

2) Code Citation: 41 Ill. Adm. Code 200

3) Section Numbers: Adopted Action:

200.5	Amendment
200.10	Amendment
200.20	Amendment
200.30	Amendment
200.40	Amendment
200.60	Amendment
200.70	Amendment
200.120	Repealed
200.160	Repealed
200.170	Repealed
200.180	Repealed
200.200	Repealed
200.230	Repealed
200.240	Repealed
200.250	Repealed
200.260	Repealed
200.270	Repealed
200.280	Repealed
200.290	Repealed
200.300	Repealed
200.310	Repealed
200.320	Repealed
200.330	Repealed
200.340	Repealed

4) Statutory Authority: Implementing and authorized by the Liquefied Petroleum Gas Regulation Act [430 ILCS 5/3].

5) Effective Date of Rulemaking: August 1, 1995

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain incorporations by reference? No

8) Date Filed in Agency's Principal Office: August 1, 1995

9) Notice of Proposal Published in Illinois Register: 19 Ill. Reg. 2576, March 10, 1995

10) Has JCAR issued a Statement of Objections to these rules? No

OFFICE OF THE STATE FIRE MARSHALL

NOTICE OF ADOPTED AMENDMENTS

11) Difference(s) between proposal and final version: The original Proposed Rule would have adopted the 1992 edition of NFPA 58; during the First Notice Period, the NFPA published the 1995 edition, which eliminated the need for the language on training. However, while two commentators favored the 1995 edition, they also suggested a change to Section 2-2.6.6(b), which has been adopted herein.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will this rulemaking replace an emergency rule currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rulemaking: The standards incorporated in the rules are updated. The updated incorporations are designed to keep Illinois consistent with national standards and industry practices.

16) Information and questions regarding these adopted amendments shall be directed to:

Mr. Jack Ahern
Deputy State Fire Marshal
Office of the State Fire Marshal
1035 Stevenson Drive
Springfield, IL 62703-4259
(217) 785-1520

The full text of the Adopted Amendment begins on the next page:

OFFICE OF THE STATE FIRE MARSHALL

NOTICE OF ADOPTED AMENDMENTS

TITLE 41: FIRE PROTECTION
CHAPTER I: STATE FIRE MARSHAL

PART 200
STORAGE, TRANSPORTATION, SALE, AND USE
OF LIQUEFIED PETROLEUM GAS

Section
200.5 Introduction
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200.330 Containers To Be Transported In Upright Position (Repealed)
200.340 Fireworks Prohibited
200.350 Additional Safety Measures Authorized

AUTHORITY: Authorized by and implementing Section 3 of the Gas Storage Act

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(Ill. Rev. Stat. 1991, ch. 96 1/2, par. 5603) [220 ILCS 15/3].

SOURCE: Rules for the Storage, Transportation, Sale and Use of Liquefied Petroleum Gases, filed October 15, 1971; codified at 5 Ill. Reg. 10697; amended at 8 Ill. Reg. 2467, effective June 1, 1984; amended at 19 Ill. Reg. 11455, effective AUG 0 1 1995.

Section 200.5 Introduction

Pursuant to the authority conferred upon the Office of the State Fire Marshal by Section 3 of the Gas Storage Act ~~An Act to regulate the storage, transportation, sale and use of liquefied petroleum gases, approved July 11, 1955~~ (Ill. Rev. Stat. ~~1979~~ 1991, ch. 96 1/2, par. 5603) [220 ILCS 15/3] the following rules and regulations in relation to the storage, transportation, sale and use of liquefied petroleum gases are hereby adopted.

(Source: Amended at 19 Ill. Reg. 11455, effective AUG 0 1 1995)

Section 200.10 Storage and Handling of Liquefied Petroleum Gases

Standards for the Storage and Handling of Liquefied Petroleum Gases, as contained in the ~~1983~~ 1995 Edition of Standard NFPA No. 58, except the provisions of 2-2.6.6, by the National Fire Protection Association are mandatory.

(Source: Amended at 19 Ill. Reg. 11455, effective AUG 0 1 1995)

Section 200.20 Storage and Handling of Liquefied Petroleum Gases at Utility Gas Plants

Standards for the Storage and Handling of Liquefied Petroleum Gases at Utility Gas Plants as published in the ~~1979~~ 1992 Edition of Standard NFPA No. 59 by the National Fire Protection Association are mandatory.

(Source: Amended at 19 Ill. Reg. 11455, effective AUG 0 1 1995)

Section 200.30 Rules For Installation of Gas Appliances And Gas Piping

Standards for the Installation of Gas Appliances and Gas Piping as in the ~~1980~~ 1992 Edition of Standard NFPA No. 54 by the National Fire Protection Association (National Fuel Gas Code) are mandatory. Standard for Recreational Vehicles as published in the ~~1977~~ 1990 Edition of Standard NFPA No. 501c by the National Fire Protection Association are mandatory.

(Source: Amended at 19 Ill. Reg. 11455, effective

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Section 200.40 Storage and Handling of Liquefied Petroleum Gas ~~at Marine and Pipeline Terminals, etc.~~

Standards for Storage and Handling of Liquefied Petroleum Gas at ~~Marine and Pipeline Terminals,~~ Natural Gas Processing Plants, Refineries, and ~~Tank Farms~~ Petrochemical Plants ~~published in~~ shall comply with the ~~1970~~ 1989 Edition of Standard API 2510 by the American Petroleum Institute (Design and Construction of LP-Gas Installation). ~~at Marine and Pipeline Terminals, Natural Gas Processing Plants, Refineries, and Tank Farms).~~

(Source: Amended at 19 Ill. Reg. 11455, effective AUG 0 1 1995)

Section 200.60 Submittal Of Plans

Plans and applications for fixed installations shall be submitted to the OSFM before construction when utilizing storage containers of over 2,000 gallons individual water capacity or when the aggregate water capacity exceeds 4,000 gallons and of container filling plants regardless of tank capacity.

(Source: Amended at 19 Ill. Reg. 11455, effective AUG 0 1 1995)

Section 200.70 Applications, Plans and Blueprints Must Be Filed in Triplicate -- What Applications and Drawings Must Show

Applications for approval of installations shall be made out in triplicate on blanks furnished by the Office of the State Fire Marshal (OSFM) and shall be accompanied by drawings or blueprints in triplicate made to scale. These applications, drawings, or blueprints must be approved by the OSFM before any new construction, or addition ~~or remodeling~~ is undertaken, ~~except in cities or villages where regulatory ordinances on the subject are in force or may hereafter be adopted~~. Approval will be granted if all requirements as specified in Part 200 are met. Drawings or blueprints shall bear the name of the person, firm or corporation proposing the installation, the location with reference to city, village or incorporated town, and shall in addition thereto show the following:

a) The plot of ground to be utilized and its immediate surroundings on all sides, the complete layout of the tanks, the capacity of each tank, the type of tank supports, type of construction of each building and all clearances as required by NFPA Standard No. 58 (see 41 Ill. Adm. Code 200.10).

b) The location with respect to city, village or incorporated town, and shall name adjacent railroads and side tracks and shall show the clearance between tanks and closest passenger train tracks, between tracks at the point where the tank car will be placed for unloading

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and the nearest passenger train tracks, and between unloading docks and closest passenger train tracks.

c) Whether or not the surrounding area is congested or heavily populated.

d) Fencing and enclosures.

1) At fixed installations utilizing storage containers of over 2,000 gallons individual water capacity or when the aggregate water capacity exceeds 4,000 gallons and at locations where containers are filled, the facilities shall be protected against tampering~~enclosed with a protective fence~~, as specified in NFPA 58 (~~1983~~see 41 Ill. Adm. Code 200.10) ~~Section 3-3.6.1-a~~. Facilities existing on January 1, 1984 shall comply with these rules or prior rules. Where these facilities are located at an establishment completely enclosed by fencing equivalent to that hereinafter set forth, an additional enclosure for facilities within the establishment shall not be required, except that such container facilities shall be enclosed or encircled by a guard rail, or by posts six (6) inches or more in diameter set in firm ground to a depth of at least twenty-four (24) inches and rising aboveground to a height of thirty (30) inches or more set at intervals of not more than six (6) feet.

2) Building walls of buildings that are part of the establishment and are so located together with adjacent fencing to enclose the facilities shall be acceptable as a portion of any necessary fencing. There shall be no gap or opening between the building wall and the adjacent fencing. Such building walls may be used as a part of such enclosure only when the same does not contain any direct means of ingress or egress from the street or other portions of the building to the storage area to be enclosed.

e) That lights conforming to NFPA 58 (~~1983~~see 41 Ill. Adm. Code 200.10) ~~3-3.7~~ will be provided to illuminate storage containers, control valves and other equipment, if loading or unloading are normally done during other than daylight hours.

f) Container filling.

1) That the container filling plant and motor fuel dispensing facilities will conform to the following:

A) The container filling or motor fuel dispensing facilities shall be located not less than:

i) 10 ft. from bulk storage containers.

ii) 10 ft. from pumps and compressors.

iii) 25 ft. from line of adjoining property which may be built upon based on existing zoning. However, the distance may be reduced to 10 feet where permitted in NFPA 58 (~~1983~~see 41 Ill. Adm. Code 200.10).

B) The pumps and compressors may be located in the container filling room or separate buildings located not less than:

i) 10 ft. from bulk storage tanks.

ii) 25 ft. from line of adjoining property which may be built upon.

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iii) 25 ft. from sources of ignition based on existing zoning. However, the distance may be reduced ~~to 10 feet~~ where permitted in NFPA 58 (~~1983~~see 41 Ill. Adm. Code 200.10).

2) Where a part of the container filling building is to be used for a boiler room, or where open flames or similar sources of ignition exist or are employed, the space to be so occupied shall be separated from container charging room by a partition wall or walls of fire resistant construction continuous from floor to roof or ceiling. Such separation walls shall be without openings and shall be joined to the floor, other walls and ceiling or roof in a manner to effect a permanent gas tight joint.

g) That all piping, tubing and fittings will be in compliance with the appropriate standards for the intended use as specified in 41 Ill. Adm. Code ~~Section~~ 200.10, 41 Ill. Adm. Code ~~Section~~ 200.20 and 41 Ill. Adm. Code ~~Section~~ 200.30.

h) That proposals for additional storage~~,~~ and additions~~, and remodeling~~ shall show the entire installation to be in full compliance with 41 Ill. Adm. Code ~~Section~~ 200.10, 41 Ill. Adm. Code ~~Section~~ 200.20, 41 Ill. Adm. Code ~~Section~~ 200.30 as is appropriate for the intended use.

(Source: Amended at 19 Ill. Reg. 11455, effective AUG 0 1 1995)

Section 200.120 Interstate Commerce Commission or Department of Transportation Containers (Repealed)

~~a) Containers may be stored in the open provided they are stored within a suitable fence enclosure to prevent tampering.~~

~~b) Containers in storage shall have valves closed even though they may be empty.~~

~~c) Containers which require valve protecting caps, even though empty, shall have such caps in place, hand tight while in storage.~~

~~d) Valves and safety devices on all containers shall be protected against accumulations of ice and snow. Protective caps shall be deemed adequate.~~

(Source: Repealed at 19 Ill. Reg. 11455, effective AUG 0 1 1995)

Section 200.160 Cylinder System Installations (Bottled Gas) (Repealed)

~~Containers shall be set upon firm foundation or otherwise firmly secured; the possible effect on the outlet piping of settling shall be guarded against by a flexible connection or special fitting. Regulators and low pressure relief devices shall be rigidly attached to the cylinder valves, cylinders, supporting standards, the building walls or otherwise rigidly secured and shall be so installed or protected that the elements (sleet, snow or ice) will not affect~~

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~~their operation.~~

(Source: Repealed at 19 Ill. Reg. 11455, effective AUG 0 1 1995)

Section 200.170 Minimum Safety Requirements for Manifolding American Society of Mechanical Engineers Containers (Repealed)

~~Where multiple American Society of Mechanical Engineers container installations are joined into a single system, the manifolding shall be done in accordance with the 1969 Edition of NFPA Standard No. 58 (see 41 Ill. Adm. Code Section 200.10). Only threaded fittings shall be used to manifold containers.~~

(Source: Repealed at 19 Ill. Reg. 11455, effective AUG 0 1 1995)

Section 200.180 Location of Containers (Repealed)

~~a) Installation of containers above ground shall be located with respect to the nearest important building or group of buildings or line of adjoining property which may be built upon, in accordance with the following table:~~

~~Aggregate Water Capacity of Containers~~	~~Minimum Distance~~
~~Less than 125 gallons~~	~~0~~
~~125 to 250 gallons~~	~~10 ft.~~
~~251 to 500 gallons~~	~~10 ft.~~
~~501 to 2,000 gallons~~	~~25 ft.*~~
~~2,001 to 30,000 gallons~~	~~50 ft.~~

~~b) Minimum distances for installations of above ground containers which have aggregate capacities in excess of the above table and distances for containers installed under ground and minimum distances between above ground containers shall be in accordance with the 1969 edition of NFPA #58m B. 6. (b).~~

~~*AGENCY NOTE The above distance requirements may be reduced to not less than 10 ft. for a single container of 1,200 gallons water capacity or less, providing such a container is at least 25 ft. from any other LP gas container of more than 125 gallons water capacity.~~

(Source: Repealed at 19 Ill. Reg. 11455, effective AUG 0 1 1995)

Section 200.200 Marking of Tank Trucks and Trailers (Repealed)

~~Every tank truck or trailer shall be marked conspicuously and legibly on each side, and rear, in letters at least four (4) inches high on a background of sharply contrasting color, with reflectorized paint, the word "FLAMMABLE" which may be followed with the common name of the gas being transported, or with the name of the carrier or his trademark, when and only when such name or mark names the cargo.~~

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(Source: Repealed at 19 Ill. Reg. 11455, effective AUG 0 1 1995)

Section 200.230 Drivers of Trucks and Trailers Must Be Properly Trained (Repealed)

~~Tank trucks or trailers shall be driven by a competent person who is trained in the handling, storage, sale and use of liquefied petroleum gases.~~

(Source: Repealed at 19 Ill. Reg. 11455, effective AUG 0 1 1995)

Section 200.240 When Tank Truck May Not Be Left Unattended (Repealed)

~~The driver, operator or attendant shall not leave a tank truck unattended while it is being filled or discharged, or while it is parked on any street, highway, or alley. When making deliveries, tank trucks shall be parked with the front end directed away from buildings and toward the best and least obstructed exit from the premises. While unloading proceeds, the driver should endeavor to keep other vehicles from parking in the route of his exit. Each tank truck and trailer shall carry chock blocks which shall be used to prevent rolling of the vehicle whenever it is parked, including when loading or unloading.~~

(Source: Repealed at 19 Ill. Reg. 11455, effective AUG 0 1 1995)

Section 200.250 Tank Trucks and Tractors Must Be In Good Repair (Repealed)

~~Tank trucks and tractors used with trailers or semi trailers shall not be operated unless they are in good repair, clean and free from leaks and equipped with lights, brakes and safety devices as required by the Illinois Vehicle Code. Motors shall be stopped while making or breaking hose connections.~~

(Source: Repealed at 19 Ill. Reg. 11455, effective AUG 0 1 1995)

Section 200.260 Parking In Congested Areas Prohibited (Repealed)

~~Tank trucks shall not be parked in heavily populated or congested areas or inside public garages.~~

(Source: Repealed at 19 Ill. Reg. 11455, effective AUG 0 1 1995)

Section 200.270 Travel In Heavy Traffic Districts To Be Avoided (Repealed)

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~~Except when making local deliveries, tank trucks shall, where possible, follow a route which avoids the mercantile district and any other heavy traffic districts.~~

(Source: Repealed at 19 Ill. Reg. 11455, effective AUG 0 1 1995)

Section 200.280 Gear Shift Requirements for Loaded Tank Trucks (Repealed)

~~Loaded tank trucks shall be driven downgrade in the same gear that would be required to pull the truck up the grade. Coasting with gears not engaged is prohibited.~~

(Source: Repealed at 19 Ill. Reg. 11455, effective AUG 0 1 1995)

Section 200.290 Semi-Trailers Loading and Unloading (Repealed)

~~Semi-trailers used for transporting liquefied petroleum gases shall be equipped with threaded fittings to be used when loading or unloading such gases.~~

(Source: Repealed at 19 Ill. Reg. 11455, effective AUG 0 1 1995)

Section 200.300 Fire Extinguisher Requirements (Repealed)

~~Each tank truck or tank wagon shall carry an approved fire extinguisher of a type suitable for gas fires. Extinguishers of the dry chemical or carbon dioxide type are suitable. Extinguishers should have a rating of 15 B, C.~~

(Source: Repealed at 19 Ill. Reg. 11455, effective AUG 0 1 1995)

Section 200.310 Excess Flow Valves Not To Be Tampered With (Repealed)

~~Required excess flow valves shall not be tampered with in order to expedite the flow of liquefied petroleum gases.~~

(Source: Repealed at 19 Ill. Reg. 11455, effective AUG 0 1 1995)

Section 200.320 When Transportation and Sale Prohibited (Repealed)

~~Transportation or sale of liquefied petroleum gases in containers of a capacity of sixty (60) pounds or over and not connected for use, in a passenger carrying vehicle, is prohibited.~~

(Source: Repealed at 19 Ill. Reg. 11455, effective

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Section 200.330 Containers To Be Transported In Upright Position (Repealed)

~~Interstate Commerce Commission or Department of Transportation containers, filled or empty, shall be transported in an upright position and securely anchored to the vehicle.~~

(Source: Repealed at 19 Ill. Reg. 11455, effective AUG 0 1 1995)

Section 200.340 Fireworks Prohibited

The sale, use, explosion or handling of fireworks~~, including toy pistols, toy canes, toy guns, and toy pistol paper caps,~~ is prohibited on any liquefied petroleum gases bulk storage, service station, or container filling plant premises.

(Source: Amended at 19 Ill. Reg. ~~11455~~, effective AUG 0 1 1995)

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1) Heading of the Part: Fees For By-Product Material Licenses

2) Code Citation: 32 Ill. Adm. Code 334

3)

Section Number:	Adopted Action:
334.10	New Section
334.20	New Section
334.30	New Section
334.40	New Section

4) Statutory Authority: Implementing and authorized by the Uranium and Thorium Mill Tailings Control Act (see P.A. 88-638, effective September 9, 1994 [420 ILCS 42]).

5) Effective Date of Rules: July 28, 1995

6) Does this rulemaking contain an automatic repeal date? No

7) Do these rules contain incorporations by reference? No

8) Date filed in Agency's Principal Office: July 28, 1995

9) Notice of Proposal Published in the Illinois Register:

April 21, 1995 (19 Ill. Reg. 5921)

10) Has JCAR issued a Statement of Objections to these Rules? No

11) Differences between proposal and final version:

a) In the Table Of Contents, by changing the word "into" to the word "from" after the word "Fees" in the heading for Section 334.40.

b) In the Authority note, by changing the phrase "as amended by" to the phrase "(see" after the word "Act"; and by adding a parenthesis after the bracket in the ILCS citation.

c) In the Source Note, by changing the word "Adopted" to the word "adopted" and by adding "6014" after the word "Reg."; and by adding "April 11, 1995, for a maximum of 150 days; new Part adopted at 19 Ill. Reg. _____, effective _____.".

d) In Section 334.10(a), on line 9, by changing the phrase "(See 420 ILCS 42/15)." to the phrase "[420 ILCS 42/15]" and by deleting the period after this citation.

e) In Section 334.10(b)(3), on line 4, by changing the phrase "(See 420 ILCS 42/15(b))." to the phrase "[420 ILCS 42/15(b)]" and by deleting

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the period after this citation.

f) In Section 334.10(c), on line 10, by changing the phrase "(See 420 ILCS 42/15(b)(4))" to the phrase "[420 ILCS 42/15(b)(4)]".

g) In Section 334.20, in the definition of "Source material", on line 1, by deleting the label "(i)"; and on line 5, by deleting the label "(ii)".

h) In Section 334.30(a), on line 2, by changing the word "byproduct" to the word "by-product"; and by inserting the phrase "to each owner by certified mail" after the word "fee".

i) In Section 334.30(b), on line 2, by changing the word "byproduct" to the word "by-product".

j) In Section 334.30(c), on line 4, by changing the phrase "(See 420 ILCS 42/15(a))" to the phrase "[420 ILCS 42/15(a)]".

k) In Section 334.30(h), on line 5, by changing the phrase "(See 420 ILCS 42/40(b))" to the phrase "[420 ILCS 42/40(b)]".

l) In Section 334.40(a), on line 3, by changing the word "byproduct" to the word "by-product".

m) In Section 334.40(h), on line 3, by inserting the phrase "after receipt of denial" after the word "days".

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will these rules replace an emergency rule currently in effect? Yes

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rules: This Rule will: (1) stipulate the fees to be charged the owner or operator of any property that has been used in whole or in part for the milling of source material and is being used for the storage or disposal of by-product material; (2) establish a schedule for payment of fees; (3) establish hearing procedures for the owner or operator who contests or who fails to pay the fees; (4) provide civil penalties for violations; and (5) establish reimbursement procedures for costs incurred by an owner or operator in connection with the decontamination or decommissioning of the storage or disposal facility or other properties contaminated with by-product material.

16) Information and questions regarding these rules shall be directed to:

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Stephen J. England
Chief Legal Counsel
Department of Nuclear Safety
1035 Outer Park Drive
Springfield, Illinois 62704
(217) 785-9881 (voice)
(217) 782-6133 (TDD)

The full text of the Adopted Rules begins on the next page:

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF ADOPTED RULES

TITLE 32: ENERGY
CHAPTER II: DEPARTMENT OF NUCLEAR SAFETY
SUBCHAPTER b: RADIATION PROTECTION

PART 334
FEES FOR BY-PRODUCT MATERIAL LICENSES

Section
334.10 Purpose and Scope
334.20 Definitions
334.30 Payment of Fees into the By-Product Material Safety Fund
334.40 Reimbursement of Fees from the By-Product Material Safety Fund

AUTHORITY: Implementing and authorized by the Uranium and Thorium Mill Tailings Control Act (see P.A. 88-638, effective September 9, 1994 [420 ILCS 42]).

SOURCE: Emergency rule adopted at 19 Ill. Reg. 6014, effective April 11, 1995, for a maximum of 150 days; new Part adopted at 19 Ill. Reg. 11466, effective JUL 28 1995.

Section 334.10 Purpose and Scope

a) The purpose of this Part is to establish *an annual fee which shall be imposed on the owner or operator of any property that has been used in whole or in part for the milling of source material and is being used for the storage or disposal of by-product material, equal to $2 per cubic foot of by-product material being stored or disposed of by the facility. However, no fees shall be collected from any State, county, municipal, or local governmental agency.* Moneys collected shall be deposited by the Department into the By-product Material Safety Fund (Fund). [420 ILCS 42/15]

b) The Department is authorized to spend money from the Fund for the following purposes:
 (1) *the costs of monitoring, inspecting, and otherwise regulating the storage and disposal of by-product material, wherever located;*
 (2) *the costs of undertaking any necessary maintenance, decommissioning activities, cleanup, responses to radiation emergencies, or remedial action that may be necessary in connection with by-product materials;*
 (3) *the costs incurred by the Department arising from the transportation of the by-product material from a storage or unlicensed disposal location to a licensed permanent disposal facility.* [420 ILCS 42/15(b)]

c) In addition, the Department may reimburse *to the owner or operator of any facility used for the storage or disposal of by-product material for costs incurred by the owner or operator in connection with the decontamination or decommissioning of the storage or disposal facility*

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or other properties contaminated with by-product material. However, the amount of the reimbursements paid to the owner or operator of a by-product material storage or disposal facility shall not exceed the amount of money paid into the Fund by that owner or operator plus the interest accrued in the Fund attributable to amounts paid by that owner or operator [420 ILCS 42/15(b)(4)]. Section 334.40 sets out the procedures to be taken by the owner or operator in requesting reimbursement from the Fund.

Section 334.20 Definitions

As used in this Part, the following definitions apply:

"Act" means the Uranium and Thorium Mill Tailings Control Act [420 ILCS 42].

"By-product material" means the tailings or wastes produced by the extraction or concentration of uranium or thorium from any ore processed primarily for its source material content, including discrete surface wastes resulting from underground solution extraction processes but not including underground ore bodies depleted by such solution extraction processes.

"Department" means the Department of Nuclear Safety.

"Director" means the Director of the Department of Nuclear Safety.

"Person" means any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, agency, political subdivision of this State, any other State or political subdivision or agency thereof, and any legal successor, representative, agent, or agency of the foregoing, other than the United States Nuclear Regulatory Commission, or any successor thereto, and other than federal government agencies licensed by the United States Nuclear Regulatory Commission, or any successor thereto.

"Source material" means uranium, thorium, or any other material that the Department declares by order to be source material after the United States Nuclear Regulatory Commission or its successor has determined the material to be source material; or ores containing one or more of those materials in such concentration as the Department declares by order to be source material after the United States Nuclear Regulatory Commission or its successor has determined the material in such concentration to be source material.

Section 334.30 Payment of Fees into the By-Product Material Safety Fund

The storage fees assessed under this Part are separate and distinct from any

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license fees imposed under 32 Ill. Adm. Code 331.

a) The annual fee of $2 per cubic foot shall be assessed on the quantity of by-product material in the owner or operator's possession on January 1 of each year. The Department shall provide notice of the amount of the fee to each owner by certified mail by February 1 of each year.

b) The quantity of material for the assessment in subsection (a) above does not include by-product material that has been at the facility for 180 days or less.

c) *In connection with settling litigation regarding the amount of the fee to be imposed, the Director may enter into an agreement with the owner or operator of any facility specifying that the fee to be imposed shall not exceed $26,000,000 in any calendar year* [420 ILCS 42/15(a)].

d) Beginning in 1995, the annual fee shall be payable in equal installments on June 1, 1995, September 1, 1995, December 1, 1995 and December 31, 1995.

e) Beginning in 1996, the annual fee shall be payable in equal quarterly installments due March 31, June 30, September 30 and December 31.

f) Payments shall be by check or money order made payable to the Illinois Department of Nuclear Safety.

g) If the owner or operator wishes to contest the annual fee assessment, the owner or operator may petition the Department to request a hearing. This petition must be received by the Department on or before the date the payment is due. If a hearing is granted, it shall be conducted in accordance with 32 Ill. Adm. Code 200.

h) Any person failing to pay the fees as specified in this Section may be issued a Preliminary Order and Notice of Opportunity for Hearing, and may be subject to a civil penalty. This civil penalty shall *not exceed 4 times the amount of the fees not paid* [420 ILCS 42/40(b)].

Section 334.40 Reimbursement of Fees from the By-Product Material Safety Fund

a) An owner or operator who incurs costs in connection with the decontamination or decommissioning of the storage or disposal facility or other properties contaminated with by-product material is entitled to have those costs promptly reimbursed from the Fund.

b) An owner or operator of a facility shall submit a request for reimbursement to the Director subject to audit by the Director.

c) The Director shall, upon receipt of a request, give written notice approving or disapproving each of the owner or operator's request for reimbursement within 60 days.

d) The Director shall approve requests for reimbursement unless:
 1) The Director finds that the amount is excessive, erroneous, or otherwise inconsistent with subsection (b) above; or
 2) The Director finds that the amount is inconsistent with any license or license amendments issued in connection with that owner or operator's decontamination or decommissioning plan.

e) Upon approval of a reimbursement request, the Director shall prepare

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and certify to the Comptroller the disbursement of the approved sums from the Fund to the owners or operators.

f) If the Director disapproves a reimbursement request, the Director shall inform the owner or operator, in writing, the reasons for disapproval.

g) The owner or operator may resubmit to the Department a disapproved reimbursement request with additional information to respond to the reasons for disapproval and for further consideration by the Director.

h) Disapproval of a reimbursement request shall constitute final action for purposes of the Administrative Review Law unless the owner or operator resubmits the denied request within 35 days after receipt of denial.

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENT(S)

1) Heading of the Part: Private Detective, Private Alarm and Private Security Act of 1993

2) Code Citation: 68 Ill. Adm. Code 1240

3) Section Numbers: Adopted Action:

1240.25 Amendment

4) Statutory Authority: Private Detective, Private Alarm and Private Security Act of 1993 [225 ILCS 446].

5) Effective Date of Amendments: July 28, 1995

6) Does this rulemaking contain an automatic repeal date? No

7) Do these Amendments contain incorporations by reference? No

8) Date Filed in Agency's Principal Office: July 28, 1995

9) Date Notice of Proposal Published in Illinois Register: May 12, 1995, at 19 Ill. Reg. 6445.

10) Has JCAR issued a Statement of Objections to these amendments? No

11) Difference(s) between proposal and final version:

The final version is the same as proposed.

12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes, but no agreement letter with JCAR was necessary for this rulemaking.

13) Will these Amendments replace an Emergency Amendment currently in effect? No

14) Are there any Amendments pending on this Part? No

15) Summary and Purpose of Amendments:

The purpose of this rulemaking is to clarify that a certified copy of the original certification of successful completion of the 20-hour basic training course for security guards and alarm runners is satisfactory to meet requirements of Section 1240.25 of the rules. When this Part was last amended January 17, 1995, this same clarification was made in two other Sections but was inadvertently overlooked in this Section.

16) Information and questions regarding this amended part shall be directed

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENT(S)

to:

Department of Professional Regulation
Attention: Jean Courtney
320 West Washington, 3rd Floor
Springfield, Illinois 62786
217/785-0813 Fax: 217/782-7645

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENT(S)

TITLE 68: PROFESSIONS AND OCCUPATIONS
CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION
SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1240
PRIVATE DETECTIVE, PRIVATE ALARM AND
PRIVATE SECURITY ACT OF 1993

Section
1240.5 Licensure Under Section 6 of the Act (Repealed)
1240.7 Exemptions Under Section 30 of the Act
1240.10 Application for Examination and Licensure - Private Detective and Private Security Contractor
1240.15 Application for Examination and Licensure - Private Alarm Contractor
1240.16 Registration of Proprietary Security Force
1240.20 20-Hour Basic Training Course - General
1240.25 20-Hour Basic Training Course - Security Guards and Alarm Runners
1240.30 Firearm Training Course
1240.35 Approval of Training Programs and Instructors
1240.40 Permanent Employee Registration Cards
1240.41 Refusal to Issue Employee Registration Card or Firearm Authorization Card Due to Criminal History Record Information
1240.45 Firearm Authorization Cards
1240.46 Recordkeeping Requirements
1240.47 Reporting Requirements
1240.48 Uniforms
1240.50 Renewals
1240.51 Requests for Duplicate Certificates
1240.55 Endorsement
1240.60 Restoration
1240.65 Conduct of Hearings
1240.66 Investigation by the Department
1240.70 Granting Variances

AUTHORITY: Implementing the Private Detective, Private Alarm and Private Security Act of 1993 [225 ILCS 446] and authorized by Section 60(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/60(7)].

SOURCE: Rules and Regulations Promulgated for the Administration of the Illinois Detective Act, effective October 7, 1975; amended at 4 Ill. Reg. 22, p. 251, effective May 15, 1980; codified at 5 Ill. Reg. 11032; emergency amendment at 6 Ill. Reg. 916, effective January 6, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 7448, effective June 15, 1982; amended at 6 Ill. Reg. 8208, effective July 15, 1982; emergency amendment at 8 Ill. Reg. 903, effective January 6, 1984, for a maximum of 150 days; Part repealed and new Part adopted at 9 Ill. Reg. 18512, effective November 15, 1985; transferred from Chapter I, 68 Ill. Adm. Code 240 (Department of Registration and Education) to Chapter VII, 68 Ill. Adm. Code 1240 (Department of Professional

DEPARTMENT OF PROFESSIONAL REGULATION

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Regulation) pursuant to P.A. 85-225, effective January 1, 1988, at 12 Ill. Reg. 2967; amended at 12 Ill. Reg. 20143, effective November 18, 1988; amended at 15 Ill. Reg. 3051, effective February 11, 1991; amended at 17 Ill. Reg. 1579, effective January 26, 1993; amended at 19 Ill. Reg. 954, effective January 17, 1995; amended at 19 Ill. Reg. 11473, effective JUL 28 1995.

Section 1240.25 20-Hour Basic Training Course - Security Guards and Alarm Runners

a) The basic training for security guards and alarm runners shall be a minimum of 20 hours of classroom instruction and shall be conducted in accordance with the subject matter specified in Section 180 of the Act. For purposes of this Section "classroom instruction" shall mean that instruction which takes place in a setting where those individuals receiving the training are seated and learn through lectures, study papers, class discussion, textbook study or other means of organized formal education techniques (i.e., video or closed circuit instruction), as distinguished from on-the-job training. For purposes of this Section, "alarm runners" shall mean armed registered employees of an agency who respond to alarms.

b) Upon completion of the training prescribed above, each individual shall be issued, by the employer or the instructor, a Certification of Completion of 20-Hour Basic Training which shall be signed by the instructor. The licensee-in-charge shall be responsible for the documentation of the training.

c) The Certification shall be the permanent record of training and shall be retained by the individual as proof of the training. During the term of an individual's employment with an agency licensed by the Department, the Certification or a certified copy shall be filed by the employer with the employee statement and shall remain in the file during the term of employment. Upon termination of employment the original Certification shall be returned to the employee.

d) In the case of an employee who is employed by more than one employer, a notarized copy of the Certification of Completion of 20-Hour Basic Training, shall be kept with the employee statement in lieu of the original Certification.

e) Basic training materials shall be made available to Department personnel upon request to verify content.

(Source: Amended at 19 Ill. Reg. 11473, effective JUL 28 1995)

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENT(S)

1) Heading of the Part: The Illinois Speech-Language Pathology and Audiology Practice Act

2) Code Citation: 68 Ill. Adm. Code 1465

3) Section Numbers: Adopted Action:

1465.60	Amendment

4) Statutory Authority: The Illinois Speech-Language Pathology and Audiology Practice Act [225 ILCS 110].

5) Effective Date of Amendments: July 28, 1995

6) Does this rulemaking contain an automatic repeal date? No

7) Do these Amendments contain incorporations by reference? No

8) Date Filed in Agency's Principal Office: July 28, 1995

9) Date Notice of Proposal Published in Illinois Register: April 28, 1995, at 19 Ill. Reg. 6131

10) Has JCAR issued a Statement of Objections to these amendments? No

11) Difference(s) between proposal and final version: In Section 1465.60(b), the full title of the American Speech-Language-Hearing Association was used.

12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes, but no agreement letter with JCAR was necessary for this rulemaking.

13) Will these Amendments replace Emergency Amendments currently in effect? No

14) Are there any Amendments pending on this Part? No

15) Summary and Purpose of Amendments: This rulemaking clarifies the Endorsement Section by adding a subsection specifying that an application for licensure must include proof of successful completion of the national examination.

16) Information and questions regarding this amended part shall be directed to:

Department of Professional Regulation
Attention: Jean Courtney

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENT(S)

320 West Washington, 3rd Floor
Springfield, IL 62786
(217) 785-0800 or Fax #: (217) 782-7645

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENT(S)

TITLE 68: PROFESSIONS AND OCCUPATIONS
CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION
SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1465
THE ILLINOIS SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY PRACTICE ACT

Section
1465.10 Application for Licensure Under Section 7 of the Act (Repealed)
1465.20 Approved Programs
1465.30 Professional Experience
1465.35 Supervision
1465.36 Evaluation and Management Related to Speech-Language Pathology and Audiology
1465.40 Application for Licensure
1465.50 Examination
1465.60 Endorsement
1465.70 Renewal
1465.80 Restoration
1465.90 Granting Variances

AUTHORITY: Implementing the Illinois Speech-Language Pathology and Audiology Practice Act [225 ILCS 110] and authorized by Section 60(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/60(7)].

SOURCE: Emergency rules adopted at 13 Ill. Reg. 1616, effective January 20, 1989, for a maximum of 150 days; emergency expired June 19, 1989; adopted at 13 Ill. Reg. 13882, effective August 22, 1989; amended at 18 Ill. Reg. 12794, effective August 4, 1994; amended at 19 Ill. Reg. 11477, effective JUL 28 1995.

Section 1465.60 Endorsement

a) An applicant for a license as a speech-language pathologist or audiologist who is licensed under the laws of another state or territory of the United States shall file an application with the Department, on forms provided by the Department, which includes:
 1) Certification, on forms provided by the Department, of a master's degree from a program approved by the Department in accordance with Section 1465.20;
 2) Certification, on forms provided by the Department, of completion of the equivalent to 9 months of full-time supervised professional experience as set forth in Section 1465.30 of this Part;
 3) Proof of successful completion of the examination set forth in Section 1465.50 of this Part;
 4)~~3~~ In lieu of the certifications required in subsections ~~(1) and (2)~~ (1), (2) and (3) above, the applicant may submit verification

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of holding current certification from the American Speech-Language-Hearing Association that the person is a certified speech-language pathologist or audiologist;

5)~~4~~) Certification, on forms provided by the Department, from the state or territory of the United States in which the applicant was originally licensed and any state in which the applicant is currently licensed, stating:

A) The time during which the applicant was licensed;

B) Whether the file of the applicant contains any record of any disciplinary actions taken or pending; and

C) Examination(s) taken and examination score(s) received;

6)~~5~~) A complete work history since completion of a baccalaureate degree program; and

7)~~6~~) The required fee as set forth in Section 14(a)(2) of the Act.

b) The Department may require additional information to determine if the requirements in the state or territory of original licensure were substantially equivalent to the requirements then in effect in Illinois at the time of original licensure or to determine whether the requirements of another state or territory together with education and professional experience qualifications of the applicant are substantially equivalent to the requirements in Illinois at the time of application. The Department, upon recommendation of the Board, shall determine substantial equivalency based on, but not limited to, certification from the American Speech-Language-Hearing Association; education, training, and experience, including, but not limited to, whether he/she has achieved special honors or awards, has had articles published in professional journals, has written textbooks relating to speech-language-hearing; and any other attribute which the Director accepts as evidence that such applicant has outstanding and proven ability in speech-language-hearing. The Department shall either issue a license by endorsement to the applicant or notify him/her of the reasons for the denial of the application.

(Source: Amended at 19 Ill. Reg. 11477, effective JUL 28 1995)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Intermediate Care for the Developmentally Disabled Facilities Code

2) Code Citation: 77 Ill. Adm. Code 350

3)

Section Numbers:	Adopted Action:
350.200	Amendments
350.270	Amendments
350.330	Amendments
350.630	Amendments
350.1060	Amendments
350.1420	Amendments
350.3750	Amendments
350.3760	Amendments

4) Statutory Authority: Nursing Home Care Act, 210 ILCS 45

5) Effective Date of Rulemaking:

July 29, 1995

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain incorporations by reference? No

8) Date Filed in Agency's Principal Office: July 29, 1995

9) Notice of Proposal Published in Illinois Register:

July 29, 1994 - 18 Ill. Reg. 11714

10) Has JCAR issued a Statement of Objections to these rules? Yes

If "yes," please complete the following:

A) Statement of Objection: AUG 11 1995, 19 Ill. Reg. ~~11666~~

B) Agency Response: AUG 11 1995, 19 Ill. Reg. ~~11658~~

C) Date Agency Response Submitted for Approval to the Joint Committee:

July 27, 1995

11) Difference(s) between proposal and final version:

The following changes were made in response to comments received during the

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first notice or public comment period:

a. After 286, insert "SUBPART A: GENERAL POLICIES".

b. In line 312, strike out "rules" and insert "Code".

c. In line 324, strike out "Number" and insert "number".

d. In line 326, strike out "Allegations" and insert "allegations".

e. In line 328, change "weather" to "Weather".

f. In line 346, 351 and 356, replace "as added by" with "see".

g. In line 364, change "300" to "350".

h. In line 421, add ", as appropriate," after "working".

i. In line 425, strike out "monitors" and insert "monitor's".

j. In line 444, strike out "report" and insert "reports".

k. In 481, change "nusing" to "nursing".

l. Close up space between lines 523 and 524.

m. In line 653, add "or behavior manifestations of mental illness" after "SYMPTOMS".

n. In line 654, replace "as amended by" with "see".

o. In line 660, delete "by the Department of Professional Regulation".

p. In line 683, strike out "by the State of Illinois".

q. Close up space between lines 725 and 726.

r. Delete text from lines 773 through 778.

s. In line 894, replace "these standards" with "this Part".

t. In line 901, replace "person" with "personal" and delete "and oversight".

u. In lines 954, and 956, strike out "Educational" and insert "Education".

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v. In line 970, strike out "DDs" and insert "DD".

w. In line 978, replace "strenghts" with "strengths".

x. In line 1019, add "es" to "crutch".

y. In line 1035, do not strike out "shall".

z. In lines 1082 and 1086-1087, strike out "with the Department of Professional Regulation".

aa. In line 1132, replace "as amended by" with "see".

bb. In lines 1137-1138, strike out "with the Department of Professional Regulation".

cc. In line 1141, strike out "by the State of Illinois".

dd. In lines 1154-1155, strike out "by the Illinois Department of Professional Regulation".

ee. In lines 1179-1180, strike out "Illinois" and "from the Illinois Department of Professional Regulation".

ff. In line 1232, strike out "which" and insert "with a door that".

gg. In line 1239, strike out the colon.

hh. In 1284, delete "~~results~~" and insert "results".

ii. In lines 1293-1296, strike out the following:
"Unless otherwise stated in this Part, the supervisor must be on the premises if the person does not meet assistant level (two-year training Program) qualifications specified in these definitions."

jj. In line 1773, strike out "(A,B)".

kk. In line 1793, strike out "An" and insert "Residents needing nursing care shall be admitted to an".

ll. In line 1793, strike "shall admit"; delete "those" and insert "if".

mm. In line 1793, strike out "residents" and delete "needing".

nn. In line 1794, delete "needing nursing care for which".

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oo. Close up space between lines 1843, and 1844.

pp. In line 1985, change "330" to "350".

Other changes, not listed here, were made during the first notice in response to comments. However, the Department modified the rulemaking by deleting certain Sections in response to a JCAR Objection.

Various editorial, grammatical and technical changes were made at the suggestions of JCAR and the Administrative Code Division.

12) Have all the changes agreed a upon by the Agency and the Joint Committee been made as indicated in the agreement letter issued by the Joint Committee?

The Department has made all the changes to which it agreed with the Joint Committee.

13) Will this rulemaking replace an emergency rule currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rulemaking:

Section 350.200 ("Inspection, Surveys, Evaluations and Consultation") is being amended in response to Public Act 88-278 (House Bill 1488) - effective August 10, 1993. Public Act 88-278 amended the Nursing Home Care Act to state that the Department is not required to determine whether a certified facility that has been determined by inspection to be in compliance with federal certification requirements is in compliance with requirements under the Nursing Home Care Act that are less stringent than or duplicate federal requirements. In effect, the change in the law allows the Department to do one survey for certification and convert the certification findings into licensure enforcement remedies. The changes to Section 350.200 will implement this procedure, which will more effectively use staff time and decrease paperwork.

Section 350.270 ("Monitor and Receivership") is being amended to allow licensed nurses and nursing home administrators who do not have baccaleureate degrees to be used as monitors and receivers. The Department does not believe that a degrees snould be required if such persons are otherwise qualified to serves as monitors or receivers.

Changes to Section 350.330 ("Definitions") include"
the addition of definitions for the terms Child Care Habilitation Aide; Facility, Long-Term Care, for Residents Under 22 Years of Age; and Facility, Sheltered Care; the deletion of definitions for the terms Community Living Facility; Developmentally Disabled; Equivalent

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of a Graduate Licensed Practical Nurse; Facility, Community Living; House Manager; and Program Coordinator; the amendment of definitions for the terms Cruelty and Indifference to Welfare of the Resident; Development Disability; Dietetic Service Supervisor; Facility, Intermediate Care for the Developmentally Disabled; Interdisciplinary Team; Personal Care; Social Worker, Qualified; Substantial; Substantial failure; Supervision and Unit.

These changes are being made to achieve consistency among the four sets of rules implementing the Nursing Home Care Act.

Section 350.630 ("Admission and Discharge Policies") is being amended to delete subsection (d), which states: "No resident shall be admitted to, or kept in, the facility who is dangerous to himself or others."

Section 350.1060 ("Training and Habilitation Services") is being amended to add a new subsection (e), which states: "An appropriate, effective and individualized program that manages residents' behaviors shall be developed and implemented for residents with aggressive or self-abusive behavior. Adequate, properly trained and supervised staff shall be available to administer these programs."

Section 350.1420 ("Conformance with Physician's Orders") is being amended to change the time period during which telephone orders must be countersigned by a physician from five to ten days. This change was recommended by the physician member of the Long-Term Care Facility Advisory Board.

Section 350.3750 ("Consultation Services and Nursing Services") is being amended to revise the admission requirements for ICF/DD 16 or fewer bed facilities in regard to the provision of nursing care. The reference to "registered" nurse is changed to "licensed" nurse, and the "care of minor illnesses, injuries or emergencies" is deleted from the consultant nurse's duties.

Section 350.3760 ("Medication Policies") is being amended to change the requirements regarding residents' self-administration of medications. The facility will be required to provide training and supervision necessary for identified residents to gain independence in self-administration of their medications, as approved in writing by the resident's personal physician, and documentation in the resident's individual plan.

16) Information and Questions regarding this Adopted Rulemaking shall be directed to:

Ms. Gail DeVito
Division of Governmental Affairs
Department of Public Health
535 West Jefferson, Fifth Floor

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Springfield, Illinois 62761
217-782-6187

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER c: LONG-TERM CARE FACILITIES

PART 350
INTERMEDIATE CARE FOR THE DEVELOPMENTALLY DISABLED FACILITIES CODE

SUBPART A: GENERAL PROVISIONS

Section

350.110 General Requirements
350.120 Application for License
350.130 Licensee
350.140 Issuance of an Initial License for a New Facility
350.150 Issuance of an Initial License Due to a Change of Ownership
350.160 Issuance of a Renewal License
350.165 Criteria for Adverse Licensure Actions
350.170 Denial of Initial License
350.175 Denial of Renewal of License
350.180 Revocation of License
350.190 Experimental Program Conflicting With Requirements
350.200 Inspections, Surveys, Evaluations and Consultation
350.210 Filing an Annual Attested Financial Statement
350.220 Information to Be Made Available to the Public By the Department
350.230 Information to Be Made Available to the Public By the Licensee
350.240 Municipal Licensing
350.250 Ownership Disclosure
350.260 Issuance of Conditional Licenses
350.270 Monitor and Receivership
350.271 Presentation of Findings
350.272 Determination to Issue a Notice of Violation or Administrative Warning
350.274 Determination of the Level of a Violation
350.276 Notice of Violation
350.277 Administrative Warning
350.278 Plans of Correction
350.280 Reports of Correction
350.282 Conditions for Assessment of Penalties
350.284 Calculation of Penalties
350.286 Determination to Assess Penalties
350.288 Reduction or Waiver of Penalties
350.290 Quarterly List of Violators
350.300 Alcoholism Treatment Programs In Long-Term Care Facilities
350.310 Department May Survey Facilities Formerly Licensed
350.320 Waivers
350.330 Definitions
350.340 Incorporated and Referenced Materials

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SUBPART B: ADMINISTRATION

Section
350.510 Administrator

SUBPART C: POLICIES

Section
350.610 Management Policies
350.620 Resident Care Policies
350.630 Admission and Discharge Policies
350.640 Contract Between Resident and Facility
350.650 Residents' Advisory Council
350.660 General Policies
350.670 Personnel Policies
350.675 Initial Health Evaluation for Employees
350.680 Developmental Disabilities Aides
350.685 Student Interns
350.690 Disaster Preparedness
350.700 Serious Incidents and Accidents

SUBPART D: PERSONNEL

Section
350.810 Personnel
350.820 Consultation Services
350.830 Personnel Policies

SUBPART E: RESIDENT LIVING SERVICES

Section
350.1010 Service Programs
350.1020 Psychological Services
350.1030 Social Services
350.1040 Speech Pathology and Audiology Services
350.1050 Recreational and Activities Services
350.1060 Training and Habilitation Services
350.1070 Training and Habilitation Staff

SUBPART F: HEALTH SERVICES

Section
350.1210 Health Services
350.1220 Physician Services
350.1225 Tuberculin Skin Test Procedures
350.1230 Nursing Services
350.1235 Life-Sustaining Treatments
350.1240 Dental Services

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350.1250 Physical and Occupational Therapy Services

SUBPART G: MEDICATIONS

Section
350.1410 Medication Policies and Procedures
350.1420 Conformance with Physician's Orders
350.1430 Administration of Medication
350.1440 Labeling and Storage
350.1450 Control of Narcotics and Legend Drugs

SUBPART H: RESIDENT AND FACILITY RECORDS

Section
350.1610 Resident Record Requirements
350.1620 Content of Medical Records
350.1630 Confidentiality of Resident's Records
350.1640 Records Pertaining to Residents' Property
350.1650 Retention and Transfer of Resident Records
350.1660 Other Resident Record Requirements
350.1670 Staff Responsibility for Medical Records
350.1680 Retention of Facility Records
350.1690 Other Facility Record Requirements

SUBPART I: FOOD SERVICE

Section
350.1810 Director of Food Services
350.1820 Dietary Staff in Addition to Director of Food Services
350.1830 Hygiene of Dietary Staff
350.1840 Diet Orders
350.1850 Adequacy of Diet and Meal Pattern
350.1860 Therapeutic Diets
350.1870 Scheduling Meals
350.1880 Menu Planning
350.1890 Food Preparation and Service
350.1900 Food Handling Sanitation
350.1910 Kitchen Equipment, Utensils, and Supplies

SUBPART J: MAINTENANCE, HOUSEKEEPING AND LAUNDRY

Section
350.2010 Maintenance
350.2020 Housekeeping
350.2030 Laundry Services

SUBPART K: FURNISHINGS, EQUIPMENT, AND SUPPLIES

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Section
350.2210 Furnishings
350.2220 Equipment and Supplies

SUBPART L: WATER SUPPLY AND SEWAGE DISPOSAL

Section
350.2410 Codes
350.2420 Water Supply
350.2430 Sewage Disposal
350.2440 Plumbing

SUBPART M: CONSTRUCTION STANDARDS FOR NEW INTERMEDIATE CARE FACILITIES FOR THE DEVELOPMENTALLY DISABLED

Section
350.2610 Applicability of These Standards
350.2620 Codes and Standards
350.2630 Preparation of Drawings and Specifications
350.2640 Site
350.2650 Administration and Public Areas
350.2660 Nursing Unit
350.2670 Dining, Living, Activities Rooms
350.2680 Therapy and Personal Care
350.2690 Service Departments
350.2700 General Building Requirements
350.2710 Structural
350.2720 Mechanical Systems
350.2730 Plumbing Systems
350.2740 Electrical Systems

SUBPART N: CONSTRUCTION STANDARDS FOR EXISTING INTERMEDIATE CARE FACILITIES FOR THE DEVELOPMENTALLY DISABLED

Section
350.2910 Applicability
350.2920 Codes and Standards
350.2930 Preparation of Drawings and Specifications
350.2940 Site
350.2950 Administration and Public Areas
350.2960 Nursing Unit
350.2970 Living, Dining, Activities Rooms
350.2980 Treatment and Personal Care
350.2990 Service Departments
350.3000 General Building Requirements
350.3010 Structural
350.3020 Mechanical Systems
350.3030 Plumbing Systems

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350.3040 Electrical Requirements

SUBPART O: RESIDENT'S RIGHTS

Section
350.3210 General
350.3220 Medical and Personal Care Program
350.3230 Restraints
350.3240 Abuse and Neglect
350.3250 Communication and Visitation
350.3260 Resident's Funds
350.3270 Residents' Advisory Council
350.3280 Contract With Facility
350.3290 Private Right of Action
350.3300 Transfer or Discharge
350.3310 Complaint Procedures
350.3320 Confidentiality
350.3330 Facility Implementation

SUBPART P: SPECIAL STANDARDS FOR INTERMEDIATE CARE FACILITIES FOR THE DEVELOPMENTALLY DISABLED OF 16 BEDS OR LESS

Section
350.3710 Applicability of Other Provisions of this Part
350.3720 Administration
350.3730 Admission and Discharge Policies
350.3740 Personnel
350.3750 Consultation Services and Nursing Services
350.3760 Medication Policies
350.3770 Food Services
350.3780 Codes and Standards
350.3790 Administration and Public Areas
350.3800 Bedrooms
350.3810 Nurses Station
350.3820 Bath and Toilet Rooms
350.3830 Utility Rooms
350.3840 Living, Dining, Activity Rooms
350.3850 Therapy and Personal Care
350.3860 Kitchen
350.3870 Laundry Room
350.3880 General Building Requirements
350.3890 Corridors
350.3900 Special Care Room
350.3910 Exit Facilities and Subdivision of Floor Areas
350.3920 Stairways, Vertical Openings and Doorways
350.3930 Hazardous Areas and Combustible Storage
350.3940 Mechanical Systems
350.3950 Heating, Cooling, and Ventilating Systems

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350.3960 Plumbing Systems
350.3970 Electrical Systems
350.3980 Fire Alarm and Detection System
350.3990 Emergency Electrical System
350.4000 Fire Protection
350.4010 Construction Types
350.4020 Equivalencies
350.4030 New Construction Requirements

SUBPART Q: DAY CARE PROGRAMS

Section
350.4210 Day Care in Long-Term Care Facilities

APPENDIX A Classification of Distinct Part of a Facility for Different Levels of Service (Repealed)
APPENDIX B Federal Requirements Regarding Residents' Rights
APPENDIX C Seismic Zone Map
APPENDIX D Forms for Day Care in Long-Term Care Facilities
TABLE A Sound Transmission Limitations in New Intermediate Care Facilities for the Developmentally Disabled
TABLE B Pressure Relationships and Ventilation Rate of Certain Areas for the New Intermediate Care Facilities for the Developmentally Disabled
TABLE C Construction Types and Sprinkler Requirements for Existing Intermediate Care Facilities for the Developmentally Disabled
TABLE D Food Service Sanitation Rules and Regulations, 77 Ill. Adm. Code 750, 1983 Applicable for New Intermediate Care Facilities for the Developmentally Disabled at Sixteen (16) Beds or Less
TABLE E Construction Types and Sprinkler Requirements for New Intermediate Care Facilities for the Developmentally Disabled of Sixteen (16) Beds or Less
TABLE F Disaster Preparedness Parameters - Relative Humidity and Temperature

AUTHORITY: Implementing and authorized by the Nursing Home Care Act [210 ILCS 45].

SOURCE: Emergency rules adopted at 4 Ill. Reg. 10, p. 495, effective March 1, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 30, p. 1, effective July 28, 1980; amended at 5 Ill. Reg. 1657, effective February 4, 1981; amended at 6 Ill. Reg. 5981, effective May 3, 1982; amended at 6 Ill. Reg. 6453, effective May 14, 1982; amended at 6 Ill. Reg. 8198, effective June 29, 1982; amended at 6 Ill. Reg. 14544, effective November 8, 1982; amended at 6 Ill. Reg. 14675, effective November 15, 1982; amended at 6 Ill. Reg. 15556, effective December 15, 1982; amended at 7 Ill. Reg. 278, effective December 22, 1982; amended at 7 Ill. Reg. 1919 and 1945, effective January 28, 1983; amended at 7 Ill. Reg. 7963, effective July 1, 1983; amended at 7 Ill. Reg. 15817,

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effective November 15, 1983; amended at 7 Ill. Reg. 16984, effective December 14, 1983; amended at 8 Ill. Reg. 15574 and 15578 and 15581, effective August 15, 1984; amended at 8 Ill. Reg. 15935, effective August 17, 1984; amended at 8 Ill. Reg. 16980, effective September 5, 1984; codified at 8 Ill. Reg. 19806; amended at 8 Ill. Reg. 24214, effective November 29, 1984; amended at 8 Ill. Reg. 24680, effective December 7, 1984; amended at 9 Ill. Reg. 142, effective December 26, 1984; amended at 9 Ill. Reg. 331, effective December 28, 1984; amended at 9 Ill. Reg. 2964, effective February 25, 1985; amended at 9 Ill. Reg. 10876, effective July 1, 1985; amended at 11 Ill. Reg. 14795, effective October 1, 1987; amended at 11 Ill. Reg. 16830, effective October 1, 1987; amended at 12 Ill. Reg. 979, effective December 24, 1987; amended at 12 Ill. Reg. 16838, effective October 1, 1988; emergency amendment at 12 Ill. Reg. 18705, effective October 24, 1988, for a maximum of 150 days; emergency expired March 23, 1989; amended at 13 Ill. Reg. 6040, effective April 17, 1989; amended at 13 Ill. Reg. 19451, effective December 1, 1989; amended at 14 Ill. Reg. 14876, effective October 1, 1990; amended at 15 Ill. Reg. 466, effective January 1, 1991; amended at 16 Ill. Reg. 594, effective January 1, 1992; amended at 16 Ill. Reg. 13910, effective September 1, 1992; amended at 17 Ill. Reg. 2351, effective February 10, 1993; emergency amendment at 17 Ill. Reg. 2373, effective February 3, 1993, for a maximum of 150 days; emergency expired on July 3, 1993; emergency amendment at 17 Ill. Reg. 7948, effective May 6, 1993, for a maximum of 150 days; emergency expired on October 3, 1993; emergency amendment at 17 Ill. Reg. 9105, effective June 7, 1993, for a maximum of 150 days; emergency expired on November 4, 1993; amended at 17 Ill. Reg. 15056, effective September 3, 1993; amended at 17 Ill. Reg. 16153, effective January 1, 1994; amended at 17 Ill. Reg. 19210, effective October 26, 1993; amended at 17 Ill. Reg. 19517, effective November 4, 1993; amended at 17 Ill. Reg. 21017, effective November 20, 1993; amended at 18 Ill. Reg. 1432, effective January 14, 1994; amended at 18 Ill. Reg. 15709, effective October 15, 1994; amended at 19 Ill. Reg. JUL 29 1995, effective 11481.

SUBPART A: GENERAL POLICIES

Section 350.200 Inspections, Surveys, Evaluations and Consultation

a) The terms survey, inspection and evaluation are synonymous. These terms refer to the overall examination of compliance with the Act and this Part. All facilities to which this Part applies shall be subject to and shall be deemed to have given consent to annual inspections, surveys or evaluations by properly identified personnel of the Department, or by such other properly identified persons, including local health department staff, as the Department may designate. *An inspection, survey or evaluation, other than an inspection of financial records, ~~shall be unannounced~~ shall be conducted without prior notice to the facility. A visit for the sole purpose of ~~consultations~~ consultation may be announced.* The licensee, or person representing the licensee in the facility, shall provide to the

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representative of the Department access and entry to the premises or facility for obtaining information required to carry out this Act and ~~the--rules--promulgated--under--the--Act~~ this Part. ~~*In---addition,---representative--of--the-Department*~~ In addition, representatives of the Department *shall have access to and may reproduce or photocopy at ~~the Department's~~ its cost any books, records, and other documents maintained by the facility, ~~the-licensee-or-their-representatives~~* the licensee or their representatives *to the extent necessary to carry out the Act ~~and--this--Part~~* and this Part. A facility may charge the Department for such photocopying at a rate determined by the facility not to exceed the rate in the Department's Freedom of Information Code ~~rules~~ (2 Ill. Adm. Code 1126). (Sections 3-212 and 2-213 of the Act)

b) ~~*Before--making-*~~ *In determining whether to make more than the required number of unannounced inspections, surveys and evaluations of a facility, the Department shall ~~have-taken-into-account~~ consider one or more of the following ~~criteria~~:*

1) *Previous inspection reports;*

2) *The facility's history of compliance with ~~the-Act~~* the Act and this Part:

A) ~~*Prior-*~~ *Correction of violations;*

B) ~~*Prior-*~~ *Penalties or other enforcement actions;*

~~C) *Number-and-severity-of-prior-complaints;*~~

3) *The number ~~Number~~ and severity of ~~current~~ complaints received about the facility;*

4) *Any allegations ~~Allegations~~ of resident abuse or neglect;*

5) ~~*Compliance--with--disaster--preparedness-provisions-under-the-Act*~~ *Weather conditions;*

6) *Health emergencies;*

~~6)~~7) *Other reasonable belief that deficiencies ~~regarding,--the--Act~~ exist; ~~and~~* and

~~7)~~8) Requirements pursuant to the "1864 Agreement" (42 U.S.C.A. 1395aa) between the Department and U.S. Health and Human Services (HHS) (e.g. annual and follow-up certification inspections, life safety code inspections and any inspections requested by the Secretary of HHS). (Section 3-212(b) of the Act)

c) *The Department shall not be required to determine whether a facility certified to participate in the Medicare program under Title XVIII of the Social Security Act, or the Medicaid Program under Title XIX of the Social Security Act, and which the Department determines by inspection to be in compliance with the certification requirements of Title XVIII or XIX, is in compliance with any requirement of* the *Act that is less stringent than or duplicates a federal certification requirement.* (Section 3-212(b-1) of the Act, see P.A. 88-413, effective August 20, 1993)

d) *The Department shall,* in accordance with Section 3-212(a) of the Act, *determine whether a certified facility is in compliance with requirements of* the *Act that exceed federal certification requirements* (Section 3-212 (b-1) of the Act, see P.A. 88-413, effective August 20, 1993).

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e) *If a certified facility is found to be out of compliance with federal certification requirements, the results of the inspection conducted pursuant to Title XVIII or XIX of the Social Security Act* (Section 3-212(b-1) of the Act, see P.A. 88-413, effective August 20, 1993) shall be reviewed to determine which, if any, of the results shall be considered licensure findings, as follows:

1) The result identifies potential violations of the Nursing Home Care Act and this Part; and

2) The result, based on available information, would likely represent a Type A or Type B violation if tested against the factors described in Sections 350.272 and 350.274.

f) All results of an inspection conducted pursuant to Title XVIII or XIX of the Social Security Act that the Department considers licensure findings shall be provided to the facility at the time of exit or by mail in accordance with subsection (g) of this Section.

~~e)~~g) ~~*Upon--the--completion--of-each-inspection,-survey-and-evaluation,-the representative-of-the-Department-who-conducted-the-inspection,--survey or--evaluation--shall-submit-a-copy-of-their-report-to-the-licensee-or their-representative,-upon-exiting-the-facility.-*~~*Upon the completion of each inspection, survey and evaluation, the appropriate Department personnel who conducted the inspection, survey or evaluation shall submit a copy of their report to the licensee* or their representative *upon exiting the facility* or upon considering results of an inspection conducted pursuant to Title XVIII or XIX or the Social Security Act as licensure findings. A copy of the information gathered during a complaint investigation will ~~no~~ not be provided upon exiting the facility. *Comments or documentation provided by the licensee which may refute findings in the report, which explain extenuating circumstances that the facility could not reasonably have prevented, or which indicate methods and timetables for correction of deficiencies described in the report shall be provided to the Department within ten days of receipt of the copy of the report.* (Section 3-212(c) of the Act)

~~d)~~h) Consultation consists of providing advice or suggestions to the staff of a facility at their request relative to specific matters of the scope of regulation, methods of compliance with the Act or this Part or general matters ~~matter~~ of patient care.

(Source: Amended at 19 Ill. Reg. 11481, effective JUL 29 1995)

Section 350.270 Monitor and Receivership

a) *The Department may place an employee or agent to serve as a monitor in a facility when any of the following conditions exist:*

1) *The facility is operating without a license;*

2) *The Department has suspended, revoked or refused to renew the*

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existing license of the facility;

3) *The facility is closing or has informed the Department that it intends to close and adequate arrangements for relocation of residents have not been made at least 30 days prior to closure;*

4) *The Department determines that an emergency exists, whether or not it has initiated revocation or nonrenewal procedures, if because of the unwillingness or inability of the licensee to remedy the emergency the Department believes a monitor is necessary;* as used in this subsection, *"emergency" means a threat to the health, safety or welfare of a resident that the facility is unwilling or unable to correct; or*

5) The Department receives notification that *the facility is terminated or will not be renewed for participation in the federal reimbursement program under either Title XVIII* (Medicare) ~~*(Medicaid)*~~ *or Title XIX* (Medicaid) ~~*(Medicare)*~~ *of the Social Security Act.* (Section 3-501 of the Act)

b) The monitor shall meet the following minimum requirements:

1) be in good physical health as evidenced by a physical examination by a physician within the last year;

2) have an understanding of the needs of ~~nursing home~~ long-term care facility residents as evidenced by one year of experience in working, as appropriate, with ~~the~~ elderly or developmentally disabled individuals in programs such as patient care, social work or advocacy;

3) have an understanding of the Act and this Part which are the subject of the monitor's ~~monitors~~ duties as evidenced in a personal interview of the candidate;

4) not be related to the owners of the involved facility either through blood, marriage or common ownership of real or personal property except ownership of stock that is traded on a stock exchange;

5) have successfully completed a baccalaureate degree or possess a nursing license or a nursing home administrator's license; and

6) have two years full-time work experience in the long-term care industry of the State of Illinois.

c) The monitor shall be under the supervision of the Department; shall perform the duties of a monitor delineated in Section 3-502 of the Act; and shall accomplish the following actions:

1) visit the facility ~~at least five days per week or~~ as directed by the Department;

2) review all records pertinent to the condition for such monitor's placement under subsection (a) of this Section;

3) provide to the Department ~~a weekly~~ written ~~report~~ and ~~a daily~~ oral reports ~~report~~ detailing the observed conditions of the facility; and

4) be available as a witness for hearings involving the condition for placement as monitor.

d) All communications, including but not limited to data, memoranda,

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correspondence, records and reports shall be transmitted to and become the property of the Department. In addition, findings and results of the monitor's work done under this Part shall be strictly confidential and not subject to disclosure without written authorization from the Department, or by court order subject to disclosure only in accordance with the provisions of the Freedom of Information Act, subject to the confidentiality requirements of the Act.

e) The assignment as monitor may be terminated at any time by the Department.

f) Through consultation with the long-term care industry associations, professional organizations, consumer groups and health-care management corporations, the Department shall maintain a list of receivers. Preference on the list shall be given to individuals possessing a valid Illinois Nursing Home Administrator's License, experience in financial and operations management of a long-term care facility and individuals with access to consultative experts with the aforementioned experience. To be placed on the list, individuals must meet the following minimum requirements:

1) be in good physical health as evidenced by a physical examination by a physician within the last year;

2) have an understanding of the needs of ~~nursing home~~ long-term care facility residents and the delivery of the highest possible quality of care as evidenced by one year of experience in working with ~~the~~ elderly or developmentally disabled individuals in programs such as patient care, social work or advocacy;

3) have an understanding and working knowledge of the Act and this Part as evidenced in a personal interview of the candidate;

4) have successfully completed a baccalaureate degree or possess a nursing license or a nursing home administrator's license; and

5) have two years full-time working experience in the Illinois long-term care industry.

g) Upon appointment of a receiver for a facility by a court, the Department shall inform the individual of all legal proceedings to date which concern the facility.

h) The receiver may request that the Director of the Department authorize expenditures from monies appropriated, pursuant to Section 3-511 of the Act, if incoming payments from the operation of the facility are less than the costs incurred by the receiver.

i) In the case of Department ordered patient transfers, the receiver may:

1) assist in providing for the orderly transfer of all residents in the facility to other ~~order~~ suitable facilities~~,~~ or make other provisions for their continued health;

2) assist in providing for transportation of the resident, his medical records and his belongings if he is transferred or discharged; assist in locating alternative placement; assist in preparing the resident for transfer; and permit the resident's legal guardian to participate in the selection of the resident's new location;

3) unless emergency transfer is necessary, explain alternative placements to the resident and provide orientation to the place chosen by the resident or resident's guardian.

j) *In any action or special proceeding brought against a receiver in the receiver's official capacity for acts committed while carrying out* the aforesaid *powers and duties, the receiver shall be considered a public employee under the Local Governmental and Governmental Employees Tort Immunity Act* ~~[Ill. Rev. Stat. 1991, ch. 85, par. 1-101 et seq.]~~ [745 ILCS 10]. *A receiver may be held liable in a personal capacity only for the receiver's own gross negligence, intentional acts or breach of fiduciary duty.* (Section 3-513 of the Act)

(Source: Amended at 19 Ill. Reg. 11481, effective JUL 29 1995)

Section 350.330 Definitions

The terms defined in this Section are terms that are used in one or more of the sets of licensing standards established by the Department to license various levels of long-term care. They are defined as follows:

Abuse - any physical or mental injury or sexual assault inflicted on a resident other than by accidental means in a facility. (Section 1-103 of the Act)

Abuse means:

Physical abuse refers to the infliction of injury on a resident that occurs other than by accidental means and that requires (whether or not actually given) medical attention.

Mental injury arises from the following types of conduct:

Verbal abuse refers to the use by a licensee, employee or agent of oral, written or gestured language that includes disparaging and derogatory terms to residents or within their hearing or seeing distance, regardless of their age, ability to comprehend or disability.

Mental abuse includes, but is not limited to, humiliation, harassment, threats of punishment or deprivation, or offensive physical contact by a licensee, employee or agent.

Sexual harassment or sexual coercion perpetrated by a licensee, employee or agent.

Sexual assault.

Access - the right to:

Enter any facility;

Communicate privately and without restriction with any resident who consents to the communication;

Seek consent to communicate privately and without restriction with any resident;

Inspect the clinical and other records of a resident with the express written consent of the resident;

Observe all areas of the facility except the living area of any resident who protests the observation. (Section 1-104 of the Act)

Act - as used in this Part, the Nursing Home Care Act ~~[Ill. Rev. Stat. 1991, ch. 111 1/2, par. 4151-101 et seq.]~~ [210 ILCS 45].

Activity Program - a specific planned program of varied group and individual activities geared to the individual resident's needs and available for a reasonable number of hours each day.

Adaptive Behavior - the effectiveness or degree with which the individual meets the standards of personal independence and social responsibility expected of his age and cultural group.

Addition - any construction attached to the original building which increases the area or cubic content of the building.

Adequate - enough in either quantity or quality, as determined by a reasonable person familiar with the professional standards of the subject under review, to meet the needs of the residents of a facility under the particular set of circumstances in existence at the time of review.

Administrative Warning - A a notice to a facility issued by the Department under Section 350.277 of this Part and Section 3-303.2 of the Act, which indicates that a situation, condition, or practice in the facility violates the Act or the Department's rules, but is not a type A or type B violation.

Administrator - the person who is directly responsible for the operation and administration of the facility, irrespective of the assigned title. (See Licensed Nursing Home Administrator.)

Advocate - a person who represents the rights and interests of an individual as though they were the person's own, in order to realize

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the rights to which the individual is entitled, obtain needed services, and remove barriers to meeting the individual's needs.

Affiliate - means:

With respect to a partnership, each partner thereof.

With respect to a corporation, each officer, director and stockholder thereof.

With respect to a natural person: any person related in the first degree of kinship to that person; each partnership and each partner thereof of which that person or any affiliate of that person is a partner; and each corporation in which that person or any affiliate of that person is an officer, director or stockholder. (Section 1-106 of the Act)

Aide or Orderly - any person providing direct personal care, training or habilitation services to residents.

Alteration - any construction change or modification of an existing building which does not increase the area ~~of~~ or cubic content of the building.

Ambulatory Resident - a person who is physically and mentally capable of walking without assistance, or is physically able with guidance to do so, including the ascent and descent of stairs.

Applicant - any person making application for a license. (Section 1-107 of the Act)

Appropriate - term used to indicate that a requirement is to be applied according to the needs of a particular individual or situation.

Assessment - the use of an objective system with which to evaluate the physical, social, developmental, behavioral, and psychosocial aspects of an individual.

Audiologist - a person who is certified or is eligible for a certificate of clinical competence in audiology granted by the American Speech and Hearing Association under its requirements in effect on the publication of this provision or meets the educational requirements for certification and is in the process of accumulating the supervised experience required for certification.

Autism - ~~A~~ a syndrome described as consisting of withdrawal, very inadequate social relationships, exceptional object relationships,

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language disturbances and monotonously repetitive motor behavior; many children with autism will also be seriously impaired in general intellectual functioning; mental illness observed in young children characterized by severe withdrawal and inappropriate response to external stimulation.

Autoclave - an apparatus for sterilizing by superheated steam under pressure.

Auxiliary Personnel - all nursing personnel in intermediate care facilities and skilled nursing facilities other than licensed personnel.

Basement - when used in this Part, means any story or floor level below the main or street floor. Where due to grade difference, there are two levels each qualifying as a street floor, a basement is any floor below the level of the two street floors. Basements shall not be counted in determining the height of a building in stories.

Behavior Modification - treatment to be used to establish or change behavior patterns.

Cerebral Palsy - a disorder dating from birth or early infancy, nonprogressive, characterized by examples of aberrations of motor function (paralysis, weakness, incoordination) and often other manifestations of organic brain damage such as sensory disorders, seizures, mental retardation, learning difficulty and behavior disorders.

Certification for Title XVIII and XIX - the issuance of a document by the Department to the Department of Health and Human Services or the Department of Public Aid verifying compliance with applicable statutory or regulatory requirements for the purposes of participation as a provider of care and service in a specific Federal or State health program.

Charge Nurse - ~~a charge nurse is~~ a registered professional nurse or a licensed practical nurse in charge of the nursing activities for a specific unit or floor during a tour of duty.

Child Care/Habilitation Aide - any person who provides nursing, personal or rehabilitative care to residents of licensed Long-Term Care Facilities for Persons Under 22 Years of Age, regardless of title, and who is not otherwise licensed, certified or registered to render such care. Child Care/Habilitation aides must function under the supervision of a licensed nurse.

Community Alternatives - service programs in the community provided as

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an alternative to institutionalization.

~~Community-Living-Facility---see-Facility,-Community-Living.~~

Continuing Care Contract - a contract through which a facility agrees to supplement all forms of financial support for a resident throughout the remainder of the resident's life.

Contract - a binding agreement between a resident or the resident's guardian (or, if the resident is a minor, the resident's parent) and the facility or its agent.

Corporal Punishment - painful stimuli inflicted directly upon the body.

Cruelty and Indifference to Welfare of the Resident - failure to provide a resident with the care and supervision he requires; or, the infliction of mental or physical abuse. ~~Examples--of--physical--abuse are---restraining---a---resident,---striking,--slapping,--hitting,--or withholding--food--as--punishment.-----Examples--of--mental--abuse--are swearing,-threatening-and-seclusion.~~

Dentist - any person licensed ~~by-the-State--of--Illinois~~ to practice dentistry, includes persons holding a Temporary Certificate of Registration, as provided in the Illinois Dental Practice Act ~~(Ill. Rev.-Stat.-1991,-ch.-111,-par.-2301-et-seq.)~~ [225 ILCS 25].

Department - as used in this Part means the Illinois Department of Public Health.

~~Developmentally-Disabled-----those--individuals--whose--disability--is attributable--to-mental-retardation,-cerebral-palsy,-epilepsy,-autism, or-other-pathological-conditions-which-generally-originate-before-such individuals-attain-age-18,-and-which-continue,-or-can-be--expected--to continue,-indefinitely,-and-which-constitute-a-substantial-functioning handicap-to-such-individuals.~~

Developmental Disabilities (DD) Aide - any person who provides nursing, personal or habilitative care to residents of Intermediate Care Facilities for the Developmentally Disabled, regardless of title, and who is not otherwise licensed, certified or registered ~~by--the Department--of--Professional-Regulation~~ to render medical care. Other titles often used to refer to DD Aides ~~aides~~ include, but are not limited to, Program Aides, Program Technicians and Habilitation Aides. DD Aides must function under the supervision of a licensed nurse or a Qualified Mental Retardation Professional (QMRP).

~~Developmental-Disability---a-severe,-chronic-disability--of--a--person~~

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~~which:~~

~~is-attributable-to-a-mental-or-physical-impairment-or-combination of--mental--and--physical-impairment-or-combination-of-mental-and physical-impairments;~~

~~is-manifest-before-age-22;~~

~~is-likely-to-continue-indefinitely;~~

~~results-in-substantial-functional-limitations-in-three-or-more-of the-following-areas-of-major-life-activities:~~

~~self-care;~~

~~receptive-and-expressive-language;~~

~~learning;~~

~~mobility;~~

~~self-direction;~~

~~capacity-for-independent-living;-and~~

~~economic-self-sufficiency;-and~~

~~reflects-the-person's-needs-for-a--combination--and--sequence--of special,--interdisciplinary,-or-generic-care,-treatment,-or-other services--which--are--of--life-long--or--extended--duration---and individually-planned-and-coordinated.~~

Developmental Disability - means a severe, chronic disability of a person which:

is attributable to a mental or physical impairment or combination of mental and physical impairments, such as mental retardation, cerebral palsy, epilepsy, autism;

is manifested before the person attains age 22;

is likely to continue indefinitely;

results in substantial functional limitations in 3 or more of the following areas of major life activity:

self-care,

receptive and expressive language,

learning,

mobility,

self-direction,

capacity for independent living, and

economic self-sufficiency; and

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reflects the person's need for combination and sequence of special, interdisciplinary or generic care, treatment or other services which are of lifelong or extended duration and are individually planned and coordinated. (Section 3-801 of the Act)

Dietetic Service Supervisor - a person who:

is a qualified dietitian; or

is a graduate of a dietetic technician or dietetic assistant training program, corresponding or classroom, approved by the American Dietetic Association; or

is a graduate, prior to July 1, 1990, of a Department-approved course that ~~provides~~ provided 90 or more hours of classroom instruction in food service supervision and has had experience as a supervisor in a health care institution, which included consultation from a dietitian; or

has successfully completed a Dietary Manager's Association approved dietary managers course; or

is certified as a dietary manager by the Dietary Manager's Association; or

has training and experience in food service supervision and management in a military service equivalent in content to the ~~program~~ programs in ~~paragraph~~ paragrapns (2), ~~or~~ (3) or (4) of this definition.

Dietitian - a person who:

is eligible for registration by the American Dietetic Association; or

has a baccalaureate degree with major studies in food and nutrition, dietetics, and food service management, has one year of supervisory experience in the dietetic service of a health care institution, and participates annually in continuing dietetic education.

Direct Supervision - ~~means that~~ work ~~is~~ performed under the guidance and direction of a supervisor who is responsible for the work, who plans work and methods, who is available on short notice to answer questions and deal with problems that are not strictly routine, who regularly reviews the work performed, and who is accountable for the results.

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Director - the Director of Public Health or ~~his~~ designee. (Section 1-110 of the Act)

Director of Nursing Service - the full-time Professional Registered Nurse who is directly responsible for the immediate supervision of the nursing services.

Discharge - the full release of any resident from a facility. (Section 1-111 of the Act)

Distinct Part - an entire, physically identifiable unit consisting of all of the beds within that unit and having facilities meeting the standards applicable to the levels of service to be provided. Staff and services for a distinct part are established as set forth in the respective regulations governing the levels of services approved for the distinct part.

Emergency - a situation, physical condition or one or more practices, methods or operations which present imminent danger of death or serious physical or mental harm to residents of a facility. (Section 1-112 of the Act)

Epilepsy - a chronic symptom of cerebral dysfunction, characterized by recurrent attacks, involving changes in the state of consciousness, sudden in onset, and of brief duration. Many attacks are accompanied by a seizure in which the person falls involuntarily.

~~Equivalent--of--a--Graduate--Licensed--Practical--Nurse-----a-licensed practical-nurse,--licensed--by--waiver--who--successfully--passes--the proficiency--examination-approved-by-the-U.S.-Department-of-Health-and Human-Services-shall--be--considered--the--equivalent--of--a--licensed practical--nurse--who-is-a-graduate-of-an-approved-school-of-practical nursing-for-the-purposes-of-this-Part.~~

Existing Long-Term Care Facility - any facility initially licensed as a health care facility or approved for construction by the Department, or any facility initially licensed or operated by any other agency of the State of Illinois, prior to March 1, 1980. Existing long-term care facilities shall meet the design and construction standards for existing facilities for the level of long-term care for which the license (new or renewal) is to be granted.

~~Facility,--Community-living---a-place-of-residence-as-limited-in-these standards-for-between-five-and-80-ambulatory-adults-who-are-mildly--or moderately--mentally-retarded-with-a-potential-for-being-absorbed-into the-mainstream-of-community-life.~~

Facility, Intermediate Care - a facility which provides basic nursing

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care and other restorative services under periodic medical direction. Many of these services may require skill in administration. Such facilities are for residents who have long-term illnesses or disabilities which may have reached a relatively stable plateau.

Facility, Intermediate Care for the Developmentally Disabled - when used in this Part is a facility of three or more persons, or distinct part thereof, serving residents of which more than 50 percent are developmentally disabled. ~~Facilities--with--any--number-less-than-50 percent-of-developmentally-disabled-residents,-who-are--determined--by the--Department--with--consultation-from-the-Division-of-Developmental Disabilities,-Illinois-Department-of-Mental-Health--and--Developmental Disabilities--to--need-organized-social-support-and-training-programs, must-comply-with-the-program-requirements-in-this-Part.~~

Facility or Long-Term Care Facility - a private home, institution, building, residence, or any other place, whether operated for profit or not, or a county home for the infirm and chronically ill operated pursuant to Division 5-21 or 5-22 of the Counties Code ~~(Ill.-Rev. Stat.-1991,-ch.-34,-pars.-5-21001-et-seq.-and--5-22001--et--seq.)~~ [55 ILCS 5], *or any similar institution operated by a political subdivision of the State of Illinois, which provides, through its ownership or management, personal care, sheltered care or nursing for three or more persons, not related to the applicant or owner by blood or marriage. It includes skilled nursing facilities and intermediate care facilities as those terms are defined in Title XVIII and Title XIX of the Federal Social Security Act* (42 U.S.C.A. 1395 et seq. and 1936 et seq.). A "facility" may consist of more than one building as long as the buildings are on the same tract, or adjacent tracts of land. However, there shall be no more than one "facility" in any one building. *"Facility" does not include the following:*

A home, institution, or other place operated by the federal government or agency thereof, or by the State of Illinois;

A hospital, sanitarium, or other institution whose principal activity or business is the diagnosis, care, and treatment of human illness through the maintenance and operation as organized facilities therefor, which is required to be licensed under the Hospital Licensing Act ~~(Ill.-Rev.-Stat.-1991,-ch.-111--1/2,--par. 142-et-seq.)~~ [210 ILCS 85];

Any "facility for child care" as defined in the Child Care Act of 1969 ~~(Ill.-Rev.-Stat.-1991,-ch.-23,-par.-2211-et-seq.)~~ [225 ILCS 10];

Any "community living facility" as defined in the Community Living Facilities Licensing Act ~~(Ill.--Rev.--Stat.--1991,-ch.-111-1/2,-par.-4181-et-seq.)~~ [210 ILCS 35];

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Any "community residential alternative" as defined in the Community Residential Alternatives Licensing Act ~~(Ill.--Rev.--Stat.-1991,-ch.-91-1/2,-par.-621-et-seq.)~~ [210 ILCS 140];

Any nursing home or sanatorium operated solely by and for persons who rely exclusively upon treatment by spiritual means through prayer, in accordance with the creed or tenets of any well-recognized church or religious denomination. However, such nursing home or sanatorium shall comply with all local laws and rules relating to sanitation and safety;

Any facility licensed by the Department of Mental Health and Developmental Disabilities as a community-integrated living arrangement as defined in the Community-Integrated Living Arrangement Licensure and Certification Act ~~(Ill.--Rev.--Stat.-1991,-ch.-91-1/2,-par.-1701-et-seq.)~~ [210 ILCS 135]; *or*

Any supportive residence licensed under the Supportive Residences Licensing Act ~~(Ill.-Rev.-Stat.-1991,-ch.-111-1/2,-pars.-9001-et seq.)~~ [210 ILCS 65]. (Section 1-113 of the Act)

Facility, Long-Term Care, for Residents Under 22 Years of Age - when used in this Part is synonymous with a long-term care facility for residents under 22 years of age, which facility provides total habilitative health care to residents who require specialized treatment, training and continuous nursing care because of medical or developmental disabilities.

Facility, Sheltered Care - when used in this Part is synonymous with a sheltered care facility, which facility provides maintenance and personal care.

Facility, Skilled Nursing - when used in this Part is synonymous with a skilled nursing facility. A skilled nursing facility provides skilled nursing care, continuous skilled nursing observations, restorative nursing, and other services under professional direction with frequent medical supervision. Such facilities are provided for patients who need the type of care and treatment required during the post acute phase of illness or during recurrences of symptoms in long-term illness.

Financial Responsibility - having sufficient assets to provide adequate services such as: staff, heat, laundry, foods, supplies, and utilities for at least a two-month period of time.

Full time - **means** on duty a minimum of 36 hours, four days per week.

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Goal - an expected result or condition that involves a relatively long period of time to achieve, that is specified in behavioral terms in a statement of relatively broad scope, and that provides guidance in establishing specific, short-term objectives directed toward its attainment.

Governing Body - the policy-making authority, whether an individual or a group, that exercises general direction over the affairs of a facility and establishes policies concerning its operation and the welfare of the individuals it serves.

Guardian - a person appointed as a guardian of the person or guardian of the estate, or both, of a resident under the Probate Act of 1975 ~~(Ill.--Rev.--Stat.--1991,-ch.-110-1/2,-par.-1-1-et-seq.)~~ [755 ILCS 5]. (Section 1-114 of the Act)

Habilitation - an effort directed toward the alleviation of a disability or toward increasing a person's level of physical, mental, social or economic functioning. Habilitation may include, but is not limited to, diagnosis, evaluation, medical services, residential care, day care, special living arrangements, training, education, sheltered employment, protective services, counseling and other services.

Health Services Supervisor - (Director of Nursing Service) the full-time Registered Nurse, or Licensed Practical Nurse, who is directly responsible for the immediate supervision of the health services in an Intermediate Care Facility.

Home for the Aged - any facility which is operated: by a not-for-profit corporation incorporated under, or qualified as a foreign corporation under, the General Not For Profit Corporation Act of 1986 ~~(Ill.-Rev.-Stat.-1991,-ch.-32,-par.-101.01-et-seq.)~~ [805 ILCS 105]; or, by a county pursuant to Division 5-22 of the Counties Code ~~(Ill.-Rev.-Stat.-1991,-ch.-34,-par.--5-2201--et--seq.)~~ [55 ILCS 5]; or, pursuant to a trust or endowment established for nonprofit, charitable purposes; and which provides maintenance, personal care, nursing or sheltered care to three or more residents, 90 percent of whom are 60 or more years of age.

Hospitalization - the care and treatment of a person in a hospital as an in-patient.

~~House-Manager---a-qualified-person-on-duty-40-hours--a--week--managing the--Community--living--Facility-and-responsible-for-its-operation-and its-inhabitants.~~

Individual Education ~~Educational~~ Program (IEP) - a written statement for each resident that provides for specific education and related

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services. The Individual Education ~~Educational~~ Program may be incorporated into the Individual Habilitation Plan (IHP).

Individual Habilitation Plan (IHP) - a total plan of care that is developed by the interdisciplinary team for each resident, and that is developed on the basis of all assessment results.

Institutional Occupancy - when used in this Part means Health Care Facilities, Group (a), as defined in Chapter 10, paragraph 10-0001 of the Life Safety Code, National Fire Protection Association (1985 Edition).

Interdisciplinary Team - a group of persons that represents those professions, disciplines, or service areas that are relevant to identifying an individual's strengths and needs, and designs a program to meet those needs. This team shall include at least a physician, a social worker and other professionals. In Intermediate Care Facilities for the ~~The~~ Developmentally Disabled (ICF/DD) ~~(ICF/DDs)~~ at least one member of the team shall be a Qualified Mental Retardation Professional. The Interdisciplinary Team includes the resident, the resident's guardian, the resident's primary service providers, including staff most familiar with the resident; and other appropriate professionals and caregivers as determined by the resident's needs. The resident or his or her guardian may also invite other individuals to meet with the Interdisciplinary Team and participate in the process of identifying the resident's strengths and needs.

Licensed Nursing Home Administrator - a person who is charged with the general administration and supervision of a facility and licensed under the Nursing Home Administrators Licensing and Disciplinary Act ~~(Ill.-Rev.-Stat.-1991,-ch.-111,-pars.-3651-et-seq.)~~ [225 ILCS 70].

Licensed Practical Nurse - a person with a valid Illinois license to practice as a practical nurse.

Licensee - the person or entity licensed to operate the facility as provided under the Act. (Section 1-115 of the Act)

Life Care Contract - a contract through which a facility agrees to provide maintenance and care for a resident throughout the remainder of the resident's life.

Maintenance - food, shelter, and laundry services. (Section 1-116 of the Act)

Maladaptive Behavior - impairment in adaptive behavior as determined by a clinical psychologist or by a physician. Impaired adaptive behavior may be reflected in delayed maturation, reduced learning

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ability or inadequate social adjustment.

Medical Record Practitioner - a person who: is eligible for certification as a registered record administrator (RRA) or an accredited record technician (ART), by the American Medical Record Association under its requirements; or is a graduate of a school of medical record science that is accredited jointly by the American Medical Association and the American Medical Record Association.

Mentally Retarded and Mental Retardation - subaverage general intellectual functioning originating during the developmental period and associated with maladaptive behavior.

Misappropriation of Property - using a resident's cash, clothing, or other possessions without authorization by the resident or the resident's authorized representative; failure to return valuables after a resident's discharge; or failure to refund money after death or discharge when there is an unused balance in the resident's personal account.

Mobile Nonambulatory - unable to walk independently or without assistance, but able to move from place to place with the use of a ~~devices~~ device such as a walker ~~walkers~~, crutches, a wheelchair ~~wheelchairs~~, or a wheeled ~~platforms~~ platform.

Mobile Resident - any resident who is able to move about either independently or with the aid of an assistive ~~devices~~ device such as a walker ~~walkers~~, crutches, a wheelchair ~~wheelchairs~~, or a wheeled platform ~~platforms~~.

Monitor - a qualified person placed in a facility by the Department to observe operations of the facility, assist the facility by advising it on how to comply with the State regulations, and who reports periodically to the Department on the operations of the facility.

Neglect - a failure in a facility to provide adequate medical or personal care or maintenance, which failure results in physical or mental injury to a resident or in the deterioration of a resident's physical or mental condition. (Section 1-117 of the Act) Neglect means: the ~~The~~ failure to provide adequate medical or personal care or maintenance, which failure results in physical or mental injury to a resident or in the deterioration of a resident's physical or mental condition. This shall include any allegation where:

the alleged failure causing injury or deterioration is ongoing or repetitious; or

a resident required medical treatment as a result of the alleged failure; or

the failure is alleged to have caused a noticeable negative impact on a resident's health, behavior or activities for more than 24 hours.

New Long-Term Care Facility - any facility initially licensed as a health care facility by the Department, or any facility initially licensed or operated by any other agency of the State of Illinois, on or after March 1, 1980. New long-term care facilities shall meet the design and construction standards for new facilities for the level of long-term care for which the license (new or renewal) is to be granted.

Normalization - the principle of helping individuals to obtain an existence as close to normal as possible, by making available to them patterns and conditions of everyday life that are as close as possible to the norms and patterns of the mainstream of society.

Nurse - a registered nurse or a licensed practical nurse as defined in the Illinois Nursing Act of 1987 ~~(Ill. Rev. Stat. 1991, ch. 111, par. 3501 et seq.)~~ [225 ILCS 65]. (Section 1-118 of the Act)

Nursing Assistant - ~~Any~~ any person who provides nursing care or personal care to residents of licensed long-term care facilities, regardless of title, and who is not otherwise licensed, certified or registered by the Department of Professional Regulation to render medical care. Other titles often used to refer to nursing assistants include, but are not limited to, nurse's aide, orderly and nurse technician. Nursing assistants must function under the supervision of a licensed nurse.

Nursing Care - a complex of activities which carries out the diagnostic, therapeutic, and rehabilitative plan as prescribed by the physician; care for the resident's environment; observing symptoms and reactions and taking necessary measures to carry out nursing procedures involving understanding of cause and effect in order to safeguard life and health.

Nursing Unit - a physically identifiable designated area of a facility consisting of all the beds within the designated area, but having no more than 75 beds, none of which are more than 120 feet from the nurse's station.

Objective - an expected result or condition that involves a relatively short period of time to achieve, that is specified in behavioral terms, and that is related to the achievement of a goal.

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Occupational Therapist, Registered (OTR) - a person who is registered ~~with--the--Department--of--Professional--Regulation~~ as an occupational therapist under the Illinois Occupational Therapy Practice Act ~~(Ill. Rev. Stat. 1991, ch. 111, par. 3701 et seq.)~~ [225 ILCS 75].

Occupational Therapy Assistant - a person who is registered ~~with the Department of Professional--Regulation~~ as a certified occupational therapy assistant under the Illinois Occupational Therapy Practice Act.

Operator - the person responsible for the control, maintenance and governance of the facility, its personnel and physical plant.

Other Resident Injury - occurs where a resident is alleged to have suffered physical or mental harm and the allegation does not fall within the definition of abuse or neglect.

Oversight - general watchfulness and appropriate ~~action~~ reaction to meet the total needs of the residents, exclusive of nursing or personal care. Oversight shall include, but is not limited to, social, recreational and employment opportunities for residents who, by reason of mental disability, or in the opinion of a licensed physician, are in need of residential care.

Owner - the individual, partnership, corporation, association or other person who owns a facility. In the event a facility is operated by a person who leases the physical plant, which is owned by another person, "owner" means the person who operates the facility, except that if the person who owns the physical plant is an affiliate of the person who operates the facility and has significant control over the day-to-day operations of the facility, the person who owns the physical plant shall incur jointly and severally with the owner all liabilities imposed on an owner under the Act. (Section 1-119 of the Act)

Person - any individual, partnership, corporation, association, municipality, political subdivision, trust, estate or other legal entity whatsoever.

Personal Care - assistance with meals, dressing, movement, bathing, or other personal needs, or maintenance, or general supervision and oversight of the physical and mental well-being of an individual, ~~exclusive--of--nursing,~~ who ~~because--of--age,--physical--or--mental disability,--emotional--or--behavior--disorder,--or--mental--retardation~~ is incapable of maintaining a private, independent residence, or who is incapable of managing his person, whether or not a guardian has been appointed for such individual. (Section 1-120 of the Act)

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Pharmacist, Registered - a person who holds a certificate of registration as a registered pharmacist, a local registered pharmacist or a registered assistant pharmacist under the Pharmacy Practice Act of 1987 ~~(Ill. Rev. Stat. 1991, ch. 111, par. 4121 et seq.)~~ [225 ILCS 85].

Physical Therapist Assistant - a person who has graduated from a two year college level program approved by the American Physical Therapy Association.

Physical Therapist - a person who is registered ~~with the Department of Professional--Regulation~~ as a physical therapist under the Illinois Physical Therapy Act ~~(Ill. Rev. Stat. 1991, ch. 111, pars. 4251 et seq.)~~ [225 ILCS 90].

Physician - any person licensed ~~by the State of Illinois~~ to practice medicine in all its branches as provided in the Medical Practice Act of 1987 ~~(Ill. Rev. Stat. 1991, ch. 111, par. 4400-1 et seq.)~~ [225 ILCS 60].

Probationary License - an initial license issued for a period of 120 days during which time the Department will determine the qualifications of the applicant.

~~Program--Coordinator---a--qualified--person--directly--responsible--for--the overall--program,--operation--and--management--of--a--Community--Living Facility.~~

Psychiatrist - a physician who has had at least three years of formal training or primary experience in the diagnosis and treatment of mental illness.

Psychologist - a person who is licensed ~~by the Illinois Department of Professional Regulation~~ to practice clinical psychology under the Clinical Psychologist Licensing Act ~~(Ill. Rev. Stat. 1991, ch. 111, par. 5351 et seq.)~~ [225 ILCS 15].

Qualified Mental Retardation Professional - a person who has at least one year of experience working directly with individuals with developmental disabilities and meets at least one of the following additional qualifications:

Be a physician as defined in this Section.

Be a registered nurse as defined in this Section.

Hold at least a bachelor's degree in one of the following fields: occupational therapy, physical therapy, psychology,

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social work, speech or language pathology, recreation (or a recreational speciality area such as art, dance, music, or physical education), dietary services or dietetics, or a human services field (such as sociology, special education, or rehabilitation counseling).

Qualified Professional - a person who meets the educational, technical and ethical criteria of a health care profession, as evidenced by eligibility for membership in an organization established by the profession for the purpose of recognizing those persons who meet such criteria; and who is licensed, registered or certified by the State of Illinois, if required.

Reasonable visiting hours - any time between the hours of 10 a.m. and 8 p.m. daily. (Section 1-121 of the Act)

Registered Nurse - a person with a valid ~~Illinois~~ license ~~from the Illinois Department of Professional Regulation~~ to practice as a registered professional nurse under the Illinois Nursing Act of 1987.

Repeat Violation ~~*violation*~~ *- For purposes of assessing fines under Section 3-305 of the Act, a violation that has been cited during one inspection of the facility for which* a subsequent inspection indicates that *an accepted plan of correction was not complied with,* within a period of not more than twelve months from the issuance of the initial violation. *A repeat violation shall not be a new citation of the same rule, unless the licensee is not substantially addressing the issue routinely throughout the facility.* (Section 3-305(7) of the Act)

Reputable Moral Character - having no history of a conviction of the applicant, or if the applicant is a firm, partnership, or association, of any of its members, or of a corporation, of any of its officers, or directors, or of the person designated to manage or supervise the facility, of a felony, or of two or more misdemeanors involving moral turpitude, as shown by a certified copy of the record of the court of conviction, or in the case of the conviction of a misdemeanor by a court not of record, as shown by other evidence; or other satisfactory evidence that the moral character of the applicant, or manager, or supervisor of the facility is not reputable.

Resident - person residing in and receiving personal care from a facility. (Section 1-122 of the Act)

Resident Services Director - the full-time administrator, or an individual on the professional staff in the facility, who is directly responsible for the coordination and monitoring of the residents' overall plans of care in an intermediate care facility.

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Resident's Representative - a person other than the owner, or an agent or employee of a facility not related to the resident, designated in writing by a resident to be his representative, or the resident's guardian, or the parent of a minor resident for whom no guardian has been appointed. (Section 1-123 of the Act)

Restorative Care - a health care process designed to assist residents to attain and maintain the highest degree of function of which they are capable (physical, mental, and social).

Restraint of a Resident - the application of a device to limit movements.

Room - a part of the inside of a facility that is partitioned continuously from floor to ceiling with openings closed with glass or hinged doors.

Safety Device - any equipment or protective device used on a bed, chair, or resident which prevents him from falling or otherwise injuring himself. Examples are: bedside rails, geriatric or adaptive chairs, a wide band, vest or sheet applied to prevent falling out of a bed or chair, and hand socks applied to prevent injuring one's self.

Sanitization - the reduction of pathogenic organisms on a utensil surface to a safe level, which is accomplished through the use of steam, hot water, or chemicals.

Satisfactory - same as adequate.

Seclusion - the retention of a resident alone in a room with a door that ~~which~~ the resident cannot open.

Self Preservation - the ability to follow directions and recognize impending danger or emergency situations and react by avoiding or leaving the unsafe area.

Sheltered Care ~~*care*~~ *- maintenance and personal care.* (Section 1-124 of the Act)

Social Worker, Qualified - a person who~~:~~ is a licensed social worker or a licensed clinical social worker under the Clinical Social Work and Social Work Practice Act ~~Ill. Rev. Stat. 1991, ch. 111, par. 6351 et seq.~~) [225 ILCS 20]~~;~~ and~~.~~

~~is a graduate of a school of social work which has been approved by the Council on Social Work Education (some schools are approved for Bachelor's Degree programs and others for Master's Degree programs);~~ and

~~has one year of social work experience in a health care setting.~~

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State Fire Marshal - the Fire Marshal of the Office of the State Fire Marshal, Division of Fire Prevention.

Sterilization - the act or process of destroying completely all forms of microbial life, including viruses.

Stockholder of a Corporation ~~corporation~~ - any person who, directly or indirectly, beneficially owns, holds or has the power to vote, at least five percent of any class of securities issued by the corporation. (Section 1-125 of the Act)

Story - when used in this Part means that portion of a building between the upper surface of any floor and the upper surface of the floor above except that the topmost story shall be the portion of a building between the upper surface of the topmost floor and the upper surface of the roof above.

Student Intern - means any person whose total term of employment in any facility during any 12-month period is equal to or less than 90 continuous days, and whose term of employment is either:

an academic credit requirement in a high school or undergraduate institution, or

immediately succeeds a full quarter, semester or trimester of academic enrollment in either a high school or undergraduate institution, provided that such person is registered for another full quarter, semester or trimester of academic enrollment in either a high school or undergraduate institution which quarter, semester or trimester will commence immediately following the term of employment. (Section 1-125.1 of the Act)

Substantial Compliance - meeting requirements except for variance from the strict and literal performance that ~~which~~ results ~~result~~ in unimportant omissions or defects given the particular circumstances involved. This definition is limited to the phrase as used in ~~Section 350.280(q)(8), 350.280(k)(2) and 350.280(k)(4)~~ Sections 350.140(a)(3) and 350.150(a)(3).

Substantial ~~failure~~ Failure - the failure to meet requirements other than a variance from the strict and literal performance that ~~which result~~ results in unimportant omissions or defects given the particular circumstances involved. This definition is limited to the phrase as used in ~~Sections~~ Section ~~350.180(b)(1) and 350.260(f)~~ 350.165(b)(1).

Sufficient - same as adequate.

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Supervision - authoritative procedural guidance by a qualified person for the accomplishment of a function or activity within his sphere of competence, with initial direction and periodic inspection of the actual act of accomplishing the function or activity. ~~Unless otherwise stated in this Part, the supervisor must be on the premises if the person does not meet assistant level (two year training program) qualifications specified in these definitions.~~

Therapeutic Recreation Specialist - a person who is certified by the National Council for Therapeutic Recreation Certification and who meets the minimum standards it has established for classification as a Therapeutic Recreation Specialist.

Time Out - removing an individual from a situation that results in undesirable behavior. It is a behavior modification procedure which is developed and implemented under the supervision of a qualified professional.

Title XVIII - Title XVIII of the Federal Social Security Act as now or hereafter amended. (Section 1-126 of the Act)

Title XIX - Title XIX of the Federal Social Security Act as now or hereafter amended. (Section 1-127 of the Act)

Transfer - a change in status of a resident's living arrangements from one facility to another facility. (Section 1-128 of the Act)

Type A Violation - a violation of the Act or of the rules promulgated thereunder which creates a condition or occurrence relating to the operation and maintenance of a facility presenting a substantial probability that death or serious mental or physical harm to a resident will result therefrom. (Section 1-129 of the Act)

Type B Violation - a violation of the Act or of the rules promulgated thereunder which creates a condition or occurrence relating to the operation and maintenance of a facility directly threatening to the health, safety or welfare of a resident. (Section 1-130 of the Act)

Unit - an entire physically identifiable residence area~~, in Community living Facilities consisting of not less than five nor more than 20 beds, and~~ having facilities meeting the standards applicable to the levels of service to be provided. Staff and services for each distinct resident area are established as set forth in the respective rules governing the approved levels of service.

Universal Progress Notes - a common record with periodic narrative documentation by all persons involved in resident care.

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Valid License - a license which is unsuspended, unrevoked and unexpired.

(Source: Amended at 19 Ill. Reg. 11481, effective JUL 29 1995)

SUBPART C: POLICIES

Section 350.630 Admission and Discharge Policies

a) Residents shall only be admitted who have had a comprehensive evaluation covering physical, emotional, social and cognitive factors, conducted by an appropriately constituted~~,~~ interdisciplinary team. ~~(B)~~

b) No resident determined by professional evaluation to be in need of skilled level of nursing care shall be admitted to, or kept in, an Intermediate Care Facility, or Intermediate Care Facility for the Developmentally Disabled, or any distinct part of the facility designated and classified for intermediate care for the developmentally disabled. ~~(B)~~

c) Each facility shall have a policy concerning the admission of persons needing prenatal or maternity care, and a policy concerning the keeping of such persons who become pregnant while they are residents of the facility. If these policies permit such persons to be admitted to, or kept in the facility, then the facility shall have a policy concerning the provision of adequate and appropriate prenatal and maternity care to such individuals from in-house or outside resources.

~~d) No resident shall be admitted to, or kept in, the facility who is dangerous to himself, or others. (B)~~

d)~~e)~~ A facility for infants and children under 18 years of age shall be used exclusively for children. Persons under 18 years of age may not be cared for in a facility for adults without prior approval from the Department. Such approval will be granted only when it is the best possible placement for the person under the particular set of circumstances.

e)~~f)~~ A facility shall not refuse to discharge or transfer a resident when requested to do so by the resident himself or, if incompetent, by the resident's guardian.

f)~~g)~~ If a resident insists on and is discharged against the advice of a physician or a Qualified Mental Retardation Professional, the facts involved in the situation shall be fully documented in the resident's clinical record.

g)~~h)~~ No resident shall be discharged without the concurrence of the attending physician. All involuntary discharges and transfers shall be in accordance with Sections 3-401 through 3-423 of the Act.

h)~~i)~~ No resident shall be admitted with a communicable, contagious or infectious disease ~~as~~ except as set forth in Section 350.1220(j) through (k). ~~(A, B)~~

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i)~~j)~~ A facility shall not admit more residents than the number authorized by the license issued to it. ~~(B)~~

(Source: Amended at 19 Ill. Reg. 11481, effective JUL 29 1995)

SUBPART E: RESIDENT LIVING SERVICES

Section 350.1060 Training and Habilitation Services

a) The facility shall provide training and habilitation services to facilitate the intellectual, sensorimotor, and effective development of each resident in the facility. ~~(B)~~

b) Each resident shall have individual evaluations which shall:
 1) Be based upon the use of empirically reliable and valid instruments whenever such tools are available.
 2) Provide the basis for prescribing an appropriate program of training experiences for the resident.

c) There shall be written training and habilitation objectives for each resident that are:
 1) Based upon complete and relevant diagnostic and prognostic data.
 2) Stated in specific behavioral terms that permit the progress of the individual to be assessed.

d) There shall be evidence of training and habilitation services activities designed to meet the training and habilitation objectives set for every resident. ~~(B)~~

e) An appropriate, effective and individualized program that manages residents' behaviors shall be developed and implemented for residents with aggressive or self-abusive behavior. Adequate, properly trained and supervised staff shall be available to administer these programs.

f)~~e)~~ There shall be a functional training and habilitation record for each resident, maintained by and available to the training and habilitation staff.

g)~~f)~~ Appropriate training and habilitation ~~program~~ programs shall be provided residents with hearing, vision, perceptual, or motor impairments, in cooperation with appropriate staff.

h)~~g)~~ There shall be available sufficient, appropriately qualified training and habilitation personnel, and necessary supporting staff, to carry out the training and habilitation program. Supervision of delivery of training and habilitation services shall be the responsibility of a person who is a Qualified Mental Retardation Professional. ~~(B)~~

i)~~h)~~ Where appropriate, providers should cooperate with the Department of Mental Health and Developmental Disabilities and community agencies in assisting individual residents to avail themselves of specialized work activity programs, prevocational and work adjustment training, or sheltered workshop programs.

j)~~i)~~ Appropriate records shall be maintained for each resident functioning in these programs. These shall show appropriateness of the program

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for the individual, resident's response to the program and any other pertinent observations and shall become a part of the resident's record.

k)~~j)~~ Residents shall not be used to replace employed staff. ~~(B)~~

(Source: Amended at 19 Ill. Reg. 11481, effective JUL 29 1995)

SUBPART G: MEDICATIONS

Section 350.1420 Conformance with Physician's Orders

a) All medications, including cathartics, headache remedies, or vitamins, shall be given only upon the written order of a physician. (Rubber stamp signatures are not acceptable.) All such orders shall have the handwritten signature of the physician. These medications shall be given as prescribed by the physician and at the designated time. ~~(A, B)~~ Telephone orders may be taken by a registered nurse or licensed practical nurse. All such orders shall be immediately written on the resident's clinical record, or a "telephone order form" and signed by the nurse taking the order. These orders shall be countersigned by the physician within ~~five~~ ten working days. ~~Facilities--participating in--Medicare/Medicaid--must--meet--the applicable Federal regulations. (B)~~

b) ~~Review of--medication--orders:~~ The staff pharmacist or consultant pharmacist shall review the medical record, including physician orders and laboratory test results, at least monthly and, based on their clinical experience and judgment, determine if there are irregularities which would cause potential adverse reactions, allergies, contraindications, or ineffectiveness. This review shall be done at the facility. Documentation of this review must be entered in the clinical record. Any irregularities noted shall be reported to the attending physician, the advisory physician, and the administrator. ~~(A, B)~~

c) A medication order not specifically limiting the time or number of doses shall be automatically stopped in accordance with written policy approved by the pharmaceutical advisory committee. ~~(B)~~

d) The resident's attending physician shall be notified of medications about to be stopped so that the physician may promptly renew such orders to avoid interruption of the resident's therapeutic regimen. ~~(B)~~

e) All medications to be released to the resident, or person responsible for the resident's care, at the time of discharge or when the resident is going to be temporarily out of the facility at medication time (such as when attending a vocational training program or on a weekend pass) shall be approved by the physician. A notation concerning their disposition shall be made on the resident's clinical record.

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(Source: Amended at 19 Ill. Reg. 11481, effective JUL 29 1995)

SUBPART P: SPECIAL STANDARDS FOR INTERMEDIATE CARE FACILITIES FOR THE DEVELOPMENTALLY DISABLED OF 16 BEDS OR LESS

Section 350.3750 Consultation Services and Nursing Services

Residents needing nursing care shall be admitted to an ~~An~~ ICF/DD of 16 Beds or Less ~~shall--admit~~ only if ~~residents~~ the facility has adequate ~~certified by a physician as not in need--of--professional--nursing--services.---The--need--for training--or--supervision--in--self-medication--shall--not,--in--and of itself, constitute a need for~~ professional nursing services to meet the resident's needs. Arrangements shall be made through formal contract for the services of a ~~registered~~ licensed nurse ~~or public health nurse~~ to visit as required. ~~for the---care--of--minor--illnesses,--injuries--or--emergencies,--and--to--provide consultation on the--health--aspects--of--the--individual--plans--of--care.~~ A responsible staff member shall be on duty at all times who is immediately accessible, and to whom residents can report injuries, symptoms of illness, and emergencies (see Section 350.810(a)). The consultant nurse shall provide consultation on the health aspects of the individual plan of care and shall be ~~give this consultation~~ in the facility not less than two hours per month. ~~(B)~~

(Source: Amended at 19 Ill. Reg. 11481, effective JUL 29 1995)

Section 350.3760 Medication Policies

a) In order for each resident to attain the highest possible level of independent functioning, all residents shall be permitted to participate in their total health care program. This program shall include, but not be limited to, resident training in preventive health and self-medication procedures provided by a licensed nurse. Every facility shall adopt written preventative health and self-medication policies and procedures, which are consistent with the purpose of the Act and this Part and which shall be followed in the operation of the facility, for assisting residents in obtaining preventative health and self-medication skills. ~~(A, B) 1)~~ These policies and procedures shall be developed with consultation from an Illinois registered professional nurse and a registered pharmacist. These policies and procedures shall be part of the written program of care and services. (See Section 350.620). ~~(B) 2) If the policies of the facility permit residents to be totally responsible for their own medication, when the attending physician gives written permission for such action, the policies of the facility shall provide that the resident and attending physician shall be given written statements concerning the relative responsibilities of each of the three parties, (facility, resident and physician), in cases where residents, or any other persons, suffer~~

~~harm due to residents' actions in handling their own medications.~~

b) No facility shall operate a pharmacy.

c) A facility may stock only drugs which are regularly available without prescription at a commercial pharmacy, such as: noncontrolled cough syrups, laxatives, and analgesics. These shall be given to a resident only upon the written order of the physician, dentist, or podiatrist; shall be administered from the original containers; and shall be recorded in the resident's clinical record.

d) No emergency medication kit shall be maintained in this type of facility.

e) Nursing stations are not required in this type of facility.

f) Current medical references are not required in this type of facility.

g) All medications on individual prescription or from the physician's personal supply shall be properly labeled as set forth in Section 350.3760(q).

1) All other medications shall be authorized by a physician for individual resident use, and shall be clearly identified with the resident's name. ~~[A, B]~~

2) Attending physicians shall review the medication regimen of each resident at least every six months. Documentation of this review shall be entered in the resident's record. ~~[B]~~

h) All medications used by residents shall be properly recorded by facility staff at time of use. (See Section 350.1620(g).) A medication record need not be kept for those residents for whom the attending physician has given permission to keep their medication in their room and to be fully responsible for taking the medications in the correct dosage and at the proper times themselves.

i) Bottled oxygen may not be administered in a facility, except in an emergency. Not more than one 12 pound portable size tank of oxygen for such an emergency use shall be kept in the facility. However, use of an oxygen concentrator is permitted when prescribed by a physician for a resident. The facility must be in compliance with directions for use of such equipment as established by the manufacturer. ~~[A, B]~~

j) All discontinued legend or controlled drugs, all medications having an expiration date that has passed, and all medications of residents who have expired, shall be disposed of in accordance with the rules and regulations of the Federal Drug Enforcement Administration by the prescribing physician or the consultant pharmacist. A notation of their disposition shall be made in the resident's record. ~~[B]~~

k) All medications taken by residents in this type of facility must be administered by a nurse or physician licensed to practice in Illinois unless the medication is self-administered by the resident. Facility staff shall not administer medication to residents unless the staff person is a properly licensed nurse or physician. ~~[B]~~

~~1) The facility shall provide either directly or through arrangements with the consultant nurse, as determined to be necessary by the facility's medical staff or the resident's personal physician, training and supervision necessary for each resident to gain independence in self-administering their own medications and biologicals (such as serums, vaccines, antigens, or antitoxins), as approved in writing by the resident's personal physician. [B]~~

~~2)~~ 1) All residents shall be evaluated by the facility's interdisciplinary team to ~~for the purpose of determining~~ determine their self-medication capability. Each resident determined to have the capability to learn to administer his/her own medications ~~need training in self-medication~~ shall have written training and habilitation objectives developed by the interdisciplinary team based upon this evaluation and stated in specific behavioral terms that permit the progress of the resident to be assessed and recorded. ~~[B]~~

2) The facility shall provide, either directly or through arrangements with the consultant nurse, training and supervision necessary for identified residents to gain independence in self-administering their own medications as approved in writing by the resident's personal physician, and documented in the resident's individual plan.

3) Facility staff may assist a resident in the self-administration of medications by taking the medication from the locked area where it is stored and handing it to the resident. If the resident is physically unable to open the container, a staff member may open the container for the resident. Facility staff may also assist physically impaired residents, such as those who have arthritis, cerebral palsy, or Parkinson's disease, in the removal of the medication from the container and in assisting the resident in consuming or applying the medication when requested to do so by the resident. (For example, a staff member may place a dose of medicine in a container and place the container to the mouth of a resident who would not be able to do so without spilling it.) ~~[B]~~

4) To be considered "capable of self-administering their own medications ~~and biologicals~~," ~~a resident~~ residents must, at a minimum, be able to identify their medication by size, shape, ~~and~~ or color and know when they should take it, and the amount to be taken each time. ~~[B]~~

l) All medications shall be stored under lock and key at all times. The storage area shall be well lighted and of sufficient size to permit storage without crowding. This area may be a metal container, drawer, cabinet, closet, or room. A separate medication room is not required. ~~[B]~~

m) The key to the medicine area shall be the responsibility of, and in the possession of, the staff persons responsible for overseeing the self-administration of medications by residents. ~~[B]~~

1) The medicine area shall not be used for any other purpose. However, for those persons whom the attending physician has given written permission to handle their own medication, medications

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may be stored in a locked metal container, drawer, or cabinet in the resident's room along with other possessions of that resident. ~~(B)~~

2) Residents for whom the attending physician has given permission to be totally responsible for their own medication shall maintain possession of the key, or combination of the lock, to their own medication storage area. A duplicate key or a copy of the combination shall be kept by the facility in its safe, or some other secure place, for emergency use, such as if residents lose or misplace their key, or forget the combination. ~~(B)~~

n) Medications for external use shall be kept in a separate location in the medicine area or in a separate locked area. ~~(B)~~

o) All poisonous substances and other hazardous compounds shall be kept in a separate locked area away from medications. ~~(B)~~

p) Biologicals or medications requiring refrigeration shall be kept in a separate, securely fastened locked container in a refrigerator, or in a locked refrigerator. ~~(B)~~

q) The label of each individual medication container filled by a pharmacist shall clearly indicate the resident's full name, physician's name, prescription number, name and strength of drug, amount of drug, date of issue, expiration date of all time-dated drugs; name, address, and telephone number of pharmacy issuing the drug; and the initials of the pharmacist filling the prescription. If the individual medication container is filled by a physician from the physician's own supply, the label shall clearly indicate all the preceding information except that pertaining to the identification of the pharmacy, pharmacist, and prescription number. ~~(B)~~

r) Medication containers having soiled, damaged, incomplete, illegible, or makeshift labels shall be returned to the issuing pharmacist, pharmacy, or dispensing physician for relabeling or disposal. Containers having no labels shall be destroyed in accordance with Federal and State laws. ~~(B)~~

s) The medications of each resident shall be kept and stored in their originally received containers. Medications shall not be transferred between containers. ~~(B)~~

Attorney General's Opinion File No. S-1033, dated January 9, 1976, concluded that the administration of medication to residents of licensed long-term care facilities is a nursing procedure, as defined in the Illinois Nursing Act ~~Ill. Rev. Stat. 1973, ch. 91, para. 35.22 et seq.;~~ and, as such, cannot be performed by persons who are not licensed as either Registered Professional Nurses or Licensed Practical Nurses. The opinion concluded by stating that "nursing aides, orderlies, attendants, and other auxiliary workers who are employed in nursing homes are not permitted to administer medications to patients in nursing homes."

(Source: Amended at 19 Ill. Reg. 11481, effective JUL 29 1995)

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1) Heading of the Part: Long-Term Care for Under Age 22 Facilities Code

2) Code Citation: 77 Ill. Adm. Code 390

3) Section Numbers: Adopted Action:

390.200	Amendments
390.270	Amendments
390.330	Amendments
390.1040	Amendments
390.1420	Amendments

4) Statutory Authority: Nursing Home Care Act [20 ILCS 45]

5) Effective Date of Rulemaking: July 29, 1995

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain incorporations by reference? No

8) Date Filed in Agency's Principal Office: July 29, 1995

9) Notice of Proposal Published in Illinois Register: July 29, 1994 - 18 Ill. Reg. 11771

10) Has JCAR issued a Statement of Objections to these rules? Yes

A) Statement of Objection: AUG 11 1995, 19 Ill. Reg. 11657

B) Agency Response: AUG 11 1995, 19 Ill. Reg. 11659

C) Date Agency Response Submitted for Approval to the Joint Committee:

July 27, 1995

11) Difference(s) between proposal and final version:

The following changes were made in response to comments received during the first notice or public comment period:

1. In line 265, strike out "Rules -" and insert "Code".

2. In lines 299, 304 and 309, replace "as added by" with "see".

3. In line 318, change "pursaunt" to "pursuant".

4. In line 331, strike out "existing" and insert "exiting".

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5. In line 338, add "s" to "consist".

6. In line 341, add "s" to "matter".

7. In line 371, insert "as appropriate" after "working".

8. In line 611, strike out "by the Department of Professional Regulation".

9. In line 655, replace the comma with a period.

10. Close up the space between lines 676 and 677.

11. Delete text in lines 725-730.

12. In line 847, strike out "these standards" and add "this Part".

13. In line 854, strike out "and oversight".

14. In line 907, strike out "Educational" and insert "Education".

15. In line 924, strike out "DDs" and insert "DD".

16. In line 974, replace "perform" with "platform".

17. In lines 1038 and 1042-1043, strike out "with the Department of Professional Regulation".

18. In lines 1093-1094, strike out "with the Department of Professional Regulation".

19. In lines 1110-1111, strike out "by the Illinois Department of Professional Regulation".

20. In lines 1135-1136, strike out "from the Illinois Department of Professional Regulation".

21. Delete text in lines 1194-1195.

22. In line 1209, strike out "which" and insert "with a door that".

23. In line 1216, strike out the colon.

24. In line 1270, strike out the following: "Unless otherwise stated in this Part, the supervisor must be on the premises if the person does not meet assistant level (two-year training program) qualifications specified in these definitions."

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25. In Line 1572, strike out "i.e.".

Other changes, not listed here, were made during the first notice period in response to comments. However, the Department modified the rulemaking by deleting certain Sections in response to a JCAR Objection.

The following changes were made in response to comments and suggestions of the Joint Committee on Administrative Rules:

Various editorial, grammatical and technical changes were made in response to the comments from the Administrative Code Division and the Joint Committee on Administrative Rules.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

The Department has made all the changes to which it agreed with the Joint Committee.

13) Will this rulemaking replace an emergency rule currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rulemaking: Section 390.200 ("Inspections, Surveys, Evaluations and Consultation") is being amended in response to Public Act 88-278 (House Bill 1488) - effective August 10, 1993. Public Act 88-278 amended the Nursing Home Care Act to state that the Department is not required to determine whether a certified facility that has been determined by inspection to be in compliance with federal certification requirements is in compliance with requirements under the Nursing Home Care Act that are less stringent than or duplicate federal requirements. In effect, the change in the law allows the Department to do one survey for certification and convert the certification findings into licensure enforcement remedies. The changes to Section 390.200 will implement this procedure, which will more effectively use staff time and decrease paperwork.

Section 390.270 ("Monitor and Receivership") is being amended to allow licensed nurses and nursing home administrators who do not have baccalaureate degrees to be used as monitors and receivers. The Department does not believe that a degree should be required if such persons are otherwise qualified to serve as monitors or receivers.

Changes to Section 390.330 ("Definitions)" include:

the addition of a definition for the term Developmental Disabilities (DD) Aide; the deletion of definitions for the terms Community Living Facility, Developmentally Disabled, Equivalant of a Graduate Licensed Practical Nurse, Facility, Community Living, House Manager,

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Multidisciplinary, and Program Coordinator, the amendment of definitions for the terms Cruelty and Indifference to the Welfare of the Resident, Developmental Disability, Dietetic Service Supervisor, Facility, Intermediate Care for the Developmentaly Disabled, Interdisciplinary Team, Personal Care, Social Worker, Qualified, Substantial, Substantial failure, and Unit.

These changes are being made to achieve consistency among the four sets of rules implementing the Nursing Home Care Act.

Section 390.1040 ("Nursing Services") is being amended to change the requirement that the registered nurse work "on the day shift" to "for 8 consecutive hours". This change, which was inadvertently omitted from a previous rulemaking, will make the rules consistent with requirements for skilled nursing and intermediate care facilities (77 Ill Adm Code 300).

Section 390.1420 is amended to change the time period during which telephone orders must be countersigned by a physician from five to ten days. This change was suggested by the physician member of the Long-Term Care Facilities Advisory Board.

16) Information and questions regarding these adopted amendments shall be directed to:

Name: Ms. Gail DeVito
Address: Division of Governmental Affairs
Department of Public Health
535 West Jefferson, Fifth Floor
Springfield, Illinois 62761
Telephone: 217/782-6187

The full text of the Adopted Amendment begins on the next page:

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NOTICE OF ADOPTED AMENDMENTS

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER c: LONG-TERM CARE FACILITIES

PART 390
LONG-TERM CARE FOR UNDER AGE 22 FACILITIES CODE

SUBPART A: GENERAL PROVISIONS

Section
390.110 General Requirements
390.120 Application for License
390.130 Licensee
390.140 Issuance of an Initial License for a New Facility
390.150 Issuance of an Initial License Due to a Change of Ownership
390.160 Issuance of a Renewal License
390.165 Criteria for Adverse Licensure Actions
390.170 Denial of Initial License
390.175 Denial of Renewal of License
390.180 Revocation of License
390.190 Experimental Program Conflicting With Requirements
390.200 Inspections, Surveys, Evaluations and Consultation
390.210 Filing an Annual Attested Financial Statement
390.220 Information to be Made Available to the Public by the Department
390.230 Information to Be Made Available to the Public By the Licensee
390.240 Municipal Licensing
390.250 Ownership Disclosure
390.260 Issuance of Conditional Licenses
390.270 Monitor and Receivership
390.271 Presentation of Findings
390.272 Determination to Issue a Notice of Violation or Administrative Warning
390.274 Determination of the Level of a Violation
390.276 Notice of Violation
390.277 Administrative Warning
390.278 Plans of Correction
390.280 Reports of Correction
390.282 Conditions for Assessment of Penalties
390.284 Calculation of Penalties
390.286 Determination to Assess Penalties
390.288 Reduction or Waiver of Penalties
390.290 Quarterly List of Violators
390.300 Alcoholism Treatment Programs in Long-Term Care Facilities
390.310 Department May Survey Facilities Formerly Licensed
390.320 Waivers
390.330 Definitions
390.340 Incorporated and Referenced Materials

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SUBPART B: ADMINISTRATION

Section
390.500 Administrator

SUBPART C: POLICIES

Section
390.610 Management Policies
390.620 Resident Care Policies
390.630 Admission and Discharge Policies
390.640 Contract Between Resident and Facility
390.650 Residents' Advisory Council
390.660 General Policies
390.670 Personnel Policies
390.675 Initial Health Evaluation for Employees
390.680 Child Care/Habilitation Aides
390.685 Student Interns
390.690 Disaster Preparedness
390.700 Serious Incidents and Accidents

SUBPART D: PERSONNEL

Section
390.810 General
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SUBPART E: HEALTH AND DEVELOPMENTAL SERVICES

Section
390.1010 Service Programs
390.1020 Medical Services
390.1025 Life-Sustaining Treatments
390.1030 Physician Services
390.1035 Tuberculin Skin Test Procedures
390.1040 Nursing Services
390.1050 Dental Care Services
390.1060 Physical and Occupational Therapy Services
390.1070 Psychological Services
390.1080 Social Services
390.1090 Speech Pathology and Audiology Services
390.1100 Recreational and Activity Services
390.1110 Educational Services
390.1120 Work Activity and Prevocational Training Services

SUBPART F: RESTRAINTS AND SAFETY DEVICES, BEHAVIOR MANAGEMENT, AND BEHAVIOR EMERGENCIES

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Section
390.1310 Restraints and Safety Devices
390.1320 Behavior Management
390.1330 Behavior Emergencies

SUBPART G: MEDICATIONS

Section
390.1410 Medication Policies and Procedures
390.1420 Conformance with Physician's Orders
390.1430 Administration of Medication
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390.1450 Control of Narcotics and Legend Drugs

SUBPART H: RESIDENT AND FACILITY RECORDS

Section
390.1610 Resident Record Requirements
390.1620 Content of Medical Records
390.1630 Confidentiality of Resident's Records
390.1640 Records Pertaining to Residents' Property
390.1650 Retention and Transfer of Resident Records
390.1660 Other Resident Record Requirements
390.1670 Staff Responsibility for Medical Records
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390.1690 Other Facility Record Requirements

SUBPART I: FOOD SERVICE

Section
390.1810 Director of Food Services
390.1820 Dietary Staff in Addition to Director of Food Services
390.1830 Hygiene of Dietary Staff
390.1840 Diet Orders
390.1850 Adequacy of Diet and Meal Pattern
390.1860 Infant and Therapeutic Diets
390.1870 Scheduling Meals
390.1880 Menu Planning
390.1890 Food Preparation and Service
390.1900 Preparation of Infant Formula
390.1910 Food Handling Sanitation
390.1920 Kitchen Equipment, Utensils, and Supplies

SUBPART J: MAINTENANCE, HOUSEKEEPING, AND LAUNDRY

Section
390.2010 Maintenance
390.2020 Housekeeping

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390.2030 Laundry Services

SUBPART K: FURNISHINGS, EQUIPMENT, AND SUPPLIES

Section
390.2210 Furnishings
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SUBPART L: WATER SUPPLY AND SEWAGE DISPOSAL

Section
390.2410 Codes
390.2420 Water Supply
390.2430 Sewage Disposal
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SUBPART M: DESIGN AND CONSTRUCTION STANDARDS FOR NEW FACILITIES

Section
390.2610 Applicability of these Standards
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390.2630 Preparation of Drawings and Specifications
390.2640 Site
390.2650 Administration and Public Areas
390.2660 Nursing Unit
390.2670 Dining, Play, Activity/Program Rooms
390.2680 Therapy and Personal Care
390.2690 Service Departments
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390.2740 Electrical Systems

SUBPART N: DESIGN AND CONSTRUCTION STANDARDS FOR EXISTING FACILITIES

Section
390.2910 Applicability
390.2920 Codes and Standards
390.2930 Preparation of Drawings and Specifications
390.2940 Site
390.2950 Administration and Public Areas
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390.2970 Play, Dining, Activity/Program Rooms
390.2980 Treatment and Personal Care
390.2990 Service Department
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390.3010 Structural
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SUBPART O: RESIDENT'S RIGHTS

Section
390.3210 General
390.3220 Medical and Personal Care Program
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390.3240 Abuse and Neglect
390.3250 Communication and Visitation
390.3260 Resident's Funds
390.3270 Residents' Advisory Council
390.3280 Contract With Facility
390.3290 Private Right of Action
390.3300 Transfer or Discharge
390.3310 Complaint Procedures
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SUBPART P: DAY CARE PROGRAMS

Section
390.3510 Day Care in Long-Term Care Facilities

APPENDIX A Interpretation and Illustrative Services for Long-Term Care Facility for Residents Under 22 Years of Age
APPENDIX B Forms for Day Care In Long-Term Care Facilities
TABLE A Infant Feeding
TABLE B Daily Nutritional Requirements By Age Group
TABLE C Sound Transmissions Limitations
TABLE D Pressure Relationships and Ventilation Rates of Certain Areas for New Long-Term Care Facilities for Persons Under Twenty-Two (22) Years of Age
TABLE E Sprinkler Requirements
TABLE F Disaster Preparedness Parameters - Relative Humidity and Temperature

AUTHORITY: Implementing and authorized by the Nursing Home Care Act [210 ILCS 45].

SOURCE: Adopted at 6 Ill. Reg. 1658, effective February 1, 1982; emergency amendment at 6 Ill. Reg. 3223, effective March 8, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 11622, effective September 14, 1982; amended at 6 Ill. Reg. 14557 and 14560, effective November 8, 1982; amended at 6 Ill. Reg. 14678, effective November 15, 1982; amended at 7 Ill. Reg. 282, effective

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December 22, 1982; amended at 7 Ill. Reg. 1927, effective January 28, 1983; amended at 7 Ill. Reg. 8574, effective July 11, 1983; amended at 7 Ill. Reg. 15821, effective November 15, 1983; amended at 7 Ill. Reg. 16988, effective December 14, 1983; amended at 8 Ill. Reg. 15585, 15589, and 15592, effective August 15, 1984; amended at 8 Ill. Reg. 16989, effective September 5, 1984; codified at 8 Ill. Reg. 19823; amended at 8 Ill. Reg. 24159, effective November 29, 1984; amended at 8 Ill. Reg. 24656, effective December 7, 1984; amended at 8 Ill. Reg. 25083, effective December 14, 1984; amended at 9 Ill. Reg. 122, effective December 26, 1984; amended at 9 Ill. Reg. 10785, effective July 1, 1985; amended at 11 Ill. Reg. 16782, effective October 1, 1987; amended at 12 Ill. Reg. 931, effective December 24, 1987; amended at 12 Ill. Reg. 16780, effective October 1, 1988; emergency amendment at 12 Ill. Reg. 18243, effective October 24, 1988, for a maximum of 150 days; emergency expired March 23, 1989; amended at 13 Ill. Reg. 6301, effective April 17, 1989; amended at 13 Ill. Reg. 19521, effective December 1, 1989; amended at 14 Ill. Reg. 14904, effective October 1, 1990; amended at 15 Ill. Reg. 1878, effective January 25, 1991; amended at 16 Ill. Reg. 623, effective January 1, 1992; amended at 16 Ill. Reg. 14329, effective September 3, 1992; emergency amendment at 17 Ill. Reg. 2390, effective February 3, 1993, for a maximum of 150 days; emergency expired on July 3, 1993; emergency amendment at 17 Ill. Reg. 7974, effective May 6, 1993, for a maximum of 150 days; emergency expired on October 3, 1993; amended at 17 Ill. Reg. 15073, effective September 3, 1993; amended at 17 Ill. Reg. 16167, effective January 1, 1994; amended at 17 Ill. Reg. 19235, effective October 26, 1993; amended at 17 Ill. Reg. 19547, effective November 4, 1993; amended at 17 Ill. Reg. 21031, effective November 20, 1993; amended at 18 Ill. Reg. 1453, effective January 14, 1994; amended at 18 Ill. Reg. 15807, effective October 15, 1994; amended at 19 Ill. Reg. 11525, effective JUL 29 1995.

SUBPART A: GENERAL PROVISIONS

Section 390.200 Inspections, Surveys, Evaluations and Consultation

a) The terms survey, inspection and evaluation are synonymous. These terms refer to the overall examination of compliance with the Act and this Part. All facilities to which this Part applies shall be subject to and shall be deemed to have given consent to annual inspections, surveys ~~and~~ or evaluations by properly identified personnel of the Department, or by such other properly identified persons, including local health department staff, as the Department may designate. *An inspection, survey or evaluation, other than an inspection of financial records, ~~shall be unannounced.~~ shall be conducted without prior notice to the facility. A visit for the sole purpose of ~~consultations~~ consultation may be announced.* The licensee, or person representing the licensee in the facility, shall provide to the representative of the Department access and entry to the premises or facility for obtaining information required to carry out the Act and this Part. ~~*In addition, representatives of the Department*~~ In addition,

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representatives of the Department shall have access to and may reproduce or photocopy at ~~the Department's~~ its cost any books, records, and other documents maintained by the facility, ~~the licensee or their representatives~~ the licensee or their representatives *to the extent necessary to carry out the Act ~~and this Part~~* and this Part. A facility may charge the Department for such photocopying at a rate determined by the facility not to exceed the rate in the Department's Freedom of Information Code ~~rules~~ (2 Ill. Adm. Code 1126). (Sections 3-212 and 3-213 of the Act)

b) ~~*Before making*~~ *In determining whether to make more than the required number of unannounced inspections, surveys and evaluations of a facility, the Department shall ~~have taken into account~~ consider one or more of the following ~~criteria~~:*

1) *previous inspection reports;*
2) *the facility's history of compliance with ~~the Act~~* the Act and this Part:
 A) ~~*prior*~~ *correction of violations;*
 B) ~~*prior*~~ *penalties or other enforcement actions;*
 ~~C) number and severity of prior complaints;~~
3) *the number and severity of ~~current~~ complaints received about the facility;*
4) *any allegations of resident abuse or neglect;*
5) ~~*compliance with disaster preparedness provisions under the Act*~~ *weather conditions;*
6) *health emergencies;*
~~6~~7) *other reasonable belief that deficiencies ~~regarding the Act~~ exist; ~~and~~* and
~~7~~8) requirements pursuant to the "1864 Agreement" (42 U.S.C.A. 1395aa) between the Department and U.S. Health and Human Services (HHS) (e.g., annual and follow-up certification inspections, life safety code inspections and any inspections requested by the secretary of HHS). (Section 3-212(b) of the Act)

c) *The Department shall not be required to determine whether a facility certified to participate in the Medicare program under Title XVIII of the Social Security Act, or the Medicaid Program under Title XIX of the Social Security Act, and which the Department determines by inspection to be in compliance with the certification requirements of Title XVIII or XIX, is in compliance with any requirement of* the *Act that is less stringent than or duplicates a federal certification requirement.* (Section 3-212(b-1) of the Act, see P.A. 88-278, effective August 10, 1993)

d) *The Department shall,* in accordance with Section 3-212(a) of the Act, *determine whether a certified facility is in compliance with requirements of the Act that exceed federal certification requirements.* (Section 3-212(b-1) of the Act, see P.A. 88-278, effective August 10, 1993)

e) *If a certified facility is found to be out of compliance with federal certification requirements, the results of the inspection conducted*

pursuant to Title XVIII or XIX of the Social Security Act (Section 3-212 (b-1) of the Act, see P.A. 88-278, effective August 10, 1993) shall be reviewed to determine which, if any, of the results shall be considered licensure findings, as follows:

1) The result identifies potential violations of the Nursing Home Care Act and this Part; and

2) The result, based on available information, would likely represent a Type A or Type B violation if tested against the factors described in Sections 390.272 and 390.274.

f) All results of an inspection conducted pursuant to Title XVIII or XIX of the Social Security Act that the Department considers licensure findings shall be provided to the facility at the time of exit or by mail in accordance with subsection (g) of this Section.

~~e~~g) *Upon the completion of each inspection, survey and evaluation, the appropriate ~~representative of the~~ Department personnel who conducted the inspection, survey or evaluation shall submit a copy of their report to the licensee ~~or their representative,~~ or their representative upon exiting the facility or upon considering results of an inspection conducted pursuant to Title XVIII or XIX of the Social Security Act* as licensure findings. A copy of the information gathered during a complaint investigation will not be provided upon exiting ~~existing~~ the facility. *Comments or documentation provided by the licensee which may refute findings in the report, which explain extenuating circumstances that the facility could not reasonably have prevented, or which indicate methods and timetables for correction of deficiencies described in the report shall be provided to the Department within ten days of receipt of the copy of the report.* (Section 3-212(c) of the Act)

~~d~~h) Consultation consists ~~consist~~ of providing advice or suggestions to the staff of a facility at their request relative to specific matters of the scope of regulation, methods of compliance with the Act or this Part, or general matters ~~matter~~ of patient care.

(Source: Amended at 19 Ill. Reg. 11525, effective JUL 2 9 1995)

Section 390.270 Monitor and Receivership

a) *The Department may place an employee or agent to serve as a monitor in a facility when any of the following conditions exist:*

1) *The facility is operating without a license;*

2) *The Department has suspended, revoked or refused to renew the existing license of the facility;*

3) *The facility is closing or has informed the Department that it intends to close and adequate arrangements for relocation of residents have not been made at least 30 days prior to closure;*

4) *The Department determines that an emergency exists, whether or not it has initiated revocation or nonrenewal procedures, if*

because of the unwillingness or inability of the licensee to remedy the emergency the Department believes a monitor is necessary; as used in this subsection, *"emergency" means a threat to the health, safety or welfare of a resident that the facility is unwilling or unable to correct;* or

5) The Department receives notification that *the facility is terminated or will not be renewed for participation in the federal reimbursement program under either Title XVIII* (Medicare ~~Medicaid~~) *or Title XIX* (Medicaid ~~Medicare~~) *of the Social Security Act.* (Section 3-501 of the Act)

b) The monitor shall meet the following minimum requirements:

1) be in good physical health as evidenced by a physical examination by a physician within the last year;

2) have an understanding of the needs of ~~nursing home~~ long-term care facility residents as evidenced by one year of experience in working, as appropriate, with ~~the~~ elderly or developmentally disabled individuals in programs such as patient care, social work or advocacy;

3) have an understanding of the Act and this Part which are the subject of the monitors' duties as evidenced in a personal interview of the candidate;

4) not be related to the owners of the involved facility through blood, marriage or common ownership of real or personal property except ownership of stock that is traded on a stock exchange;

5) have successfully completed a baccalaureate degree or possess a nursing license or a nursing home administrator's license; and

6) have two years full-time work experience in the long-term care industry of the State of Illinois.

c) The monitor shall be under the supervision of the Department; shall perform the duties of a monitor delineated in Section 3-502 of the Act; and accomplish the following actions:

1) visit the facility ~~at least five days per week or~~ as directed by the Department;

2) review all records pertinent to the condition for such monitor's placement under subsection (a) of this Section;

3) provide to the Department~~, a weekly~~ written ~~report~~ and ~~a daily~~ oral ~~report~~ reports detailing the observed conditions of the facility; and

4) be available as a witness for hearings involving the condition for placement as monitor.

d) All communications, including but not limited to data, memoranda, correspondence, records and reports shall be transmitted to and become the property of the Department. In addition, findings and results of the monitor's work done under this Part shall be strictly confidential and not subject to disclosure without written authorization from the Department, or by court order subject to disclosure only in accordance with the provisions of the Freedom of Information Act, subject to the confidentiality requirements of the Act.

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e) The assignment as monitor may be terminated at any time by the Department.

f) Through consultation with the long-term care industry associations, professional organizations, consumer groups and health care management corporations, the Department shall maintain a list of receivers. Preference on the list shall be given to individuals possessing a valid Illinois Nursing Home Administrator's License, experience in financial and operations management of a long-term care facility and individuals with access to consultative experts with the aforementioned experience. To be placed on the list, individuals must meet the following minimum requirements:

1) be in good physical health as evidenced by a physical examination by a physician within the last year;

2) have an understanding of the needs of ~~nursing home~~ long-term care facility residents and the delivery of the highest possible quality of care as evidenced by one year of experience in working with ~~the~~ elderly or developmentally disabled individuals in programs such as patient care, social work, or advocacy;

3) have an understanding and working knowledge of the Act, and this Part as evidenced in a personal interview of the candidate;

4) have successfully completed a baccalaureate degree or possess a nursing license or a nursing home administrator's license; and

5) have two years full-time working experience in the Illinois long-term care industry.

g) Upon appointment of a receiver for a facility by a court, the Department shall inform the individual of all legal proceedings to date which concern the facility.

h) The receiver may request that the Director of the Department authorize expenditures from monies appropriated, pursuant to Section 3-511 of the Act, if incoming payments from the operation of the facility are less than the costs incurred by the receiver.

i) In the case of Department ordered patient transfers, the receiver may:

1) assist in providing for the orderly transfer of all residents in the facility to other suitable facilities~~,~~ or make other provisions for their continued health;

2) assist in providing for transportation of the resident, his medical records and his belongings if he is transferred or discharged; assist in locating alternative placement; assist in preparing the resident for transfer; and permit the resident's legal guardian to participate in the selection of the resident's new location;

3) unless emergency transfer is necessary, explain alternative placements to the resident and provide orientation to the place chosen by the resident or resident's guardian.

j) *In any action or special proceeding brought against a receiver in the receiver's official capacity for acts committed while carrying out the aforesaid powers and duties, the receiver shall be considered a public employee under the Local Governmental and Governmental Employees Tort Immunity Act* ~~(Ill. Rev. Stat. 1991, ch. 85, par. 1-101 et seq.)~~ [745 ILCS 10]. *A receiver may be held liable in a personal capacity only for the receiver's own gross negligence, intentional acts or breach of fiduciary duty.* (Section 3-513 of the Act)

(Source: Amended at 19 Ill. Reg. 11525, effective JUL 29 1995)

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Section 390.330 Definitions

The terms defined in this Section are terms that are used in one or more of the sets of licensing standards established by the Department to license various levels of long-term care. They are defined as follows:

Abuse - any physical or mental injury or sexual assault inflicted on a resident other than by accidental means in a facility. (Section 1-103 of the Act)

Abuse means:

Physical abuse refers to the infliction of injury on a resident that occurs other than by accidental means and that requires (whether or not actually given) medical attention.

Mental injury arises from the following types of conduct:

Verbal abuse refers to the use by a licensee, employee or agent of oral, written or gestured language that includes disparaging and derogatory terms to residents or within their hearing or seeing distance, regardless of their age, ability to comprehend or disability.

Mental abuse includes, but is not limited to, humiliation, harassment, threats of punishment or deprivation, or offensive physical contact by a licensee, employee or agent.

Sexual harassment or sexual coercion perpetrated by a licensee, employee or agent.

Sexual assault.

Access - the right to:

Enter any facility;

Communicate privately and without restriction with any resident who consents to the communication;

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Seek consent to communicate privately and without restriction with any resident;

Inspect the clinical and other records of a resident with the express written consent of the resident;

Observe all areas of the facility except the living area of any resident who protests the observation. (Section 1-104 of the Act)

Act - as used in this Part, the Nursing Home Care Act ~~[111.-Rev.-Stat. 1991, ch.-111 1/2, par.-4151-101 et seq.]~~ [210 ILCS 45].

Activity Program - a specific planned program of varied group and individual activities geared to the individual resident's needs and available for a reasonable number of hours each day.

Adaptive Behavior - the effectiveness or degree with which the individual meets the standards of personal independence and social responsibility expected of his age and cultural group.

Addition - any construction attached to the original building which increases the area or cubic content of the building.

Adequate - enough in either quantity or quality, as determined by a reasonable person familiar with the professional standards of the subject under review, to meet the needs of the residents of a facility under the particular set of circumstances in existence at the time of review.

Administrative Warning - a notice to a facility issued by the Department under Section 390.277 of this Part and Section 3-303.2 of the Act, which indicates that a situation, condition, or practice in the facility violates the Act or the Department's rules, but is not a type A or type B violation.

Administrator - the person who is directly responsible for the operation and administration of the facility, irrespective of the assigned title. (See Licensed Nursing Home Administrator.)

Advocate - a person who represents the rights and interests of an individual as though they were the person's own, in order to realize the rights to which the individual is entitled, obtain needed services, and remove barriers to meeting the individual's needs.

Affiliate - means:

With respect to a partnership, each partner thereof.

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With respect to a corporation, each officer, director and stockholder thereof.

With respect to a natural person: any person related in the first degree of kinship to that person; each partnership and each partner thereof which that person or any affiliate of that person is a partner; and each corporation in which that person or any affiliate of that person is an officer, director or stockholder. (Section 1-106 of the Act)

Aide or Orderly - any person providing direct personal care, training or habilitation services to residents.

Alteration - any construction change or modification of an existing building which does not increase the area or cubic content of the building.

Ambulatory Resident - a person who is physically and mentally capable of walking without assistance, or is physically able with guidance to do so, including the ascent and descent of stairs.

Applicant - any person making application for a license. (Section 1-107 of the Act)

Appropriate - term used to indicate that a requirement is to be applied according to the needs of a particular individual or situation.

Assessment - the use of an objective system with which to evaluate the physical, social, developmental, behavioral, and psychosocial aspects of an individual.

Audiologist - a person who is certified or is eligible for a certificate of clinical competence in audiology granted by the American Speech and Hearing Association under its requirements in effect on the publication of this provision or meets the educational requirements for certification, and is in the process of accumulating the supervised experience required for certification.

Autism - ~~A~~ a syndrome described as consisting of withdrawal, very inadequate social relationships, exceptional object relationships, language disturbances and monotonously repetitive motor behavior; many children with autism will also be seriously impaired in general intellectual functioning; mental illness observed in young children characterized by severe withdrawal and inappropriate response to external stimulation.

Autoclave - an apparatus for sterilizing by superheated steam under

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pressure.

Auxiliary Personnel - all nursing personnel in intermediate care facilities and skilled nursing facilities other than licensed personnel.

Basement - when used in this Part, means any story or floor level below the main or street floor. Where due to grade difference, there are two levels each qualifying as a street floor, a basement is any floor below the level of the two street floors. Basements shall not be counted in determining the height of a building in stories.

Behavior Modification - treatment to be used to establish or change behavior patterns.

Cerebral Palsy - a disorder dating from birth or early infancy, nonprogressive, characterized by examples of aberrations of motor function (paralysis, weakness, incoordination) and often other manifestations of organic brain damage such as sensory disorders, seizures, mental retardation, learning difficulty and behavior disorders.

Certification for Title XVIII and XIX - the issuance of a document by the Department to the Department of Health and Human Services or the Department of Public Aid verifying compliance with applicable statutory or regulatory requirements for the purposes of participation as a provider of care and service in a specific Federal or State health program.

Charge Nurse - ~~a charge nurse is~~ a registered professional nurse or a licensed practical nurse in charge of the nursing activities for a specific unit or floor during a tour of duty.

Child Care/Habilitation Aide - any person who provides nursing, personal or rehabilitative care to residents of licensed Long-Term Care Facilities for Persons Under 22 Years of Age, regardless of title, and who is not otherwise licensed, certified or registered ~~by the Department of Professional Regulation~~ to render such care. Child Care/Habilitation aides must function under the supervision of a licensed nurse.

Community Alternatives - service programs in the community provided as an alternative to institutionalization.

~~Community Living Facility - see Facility, Community Living.~~

Continuing Care Contract - a contract through which a facility agrees to supplement all forms of financial support for a resident

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throughout the remainder of the resident's life.

Contract - a binding agreement between a resident or the resident's guardian (or, if the resident is a minor, the resident's parent) and the facility or its agent.

Corporal Punishment - painful stimuli inflicted directly upon the body.

Cruelty and Indifference to Welfare of the Resident - failure to provide a resident with the care and supervision he requires; or, the infliction of mental or physical abuse. ~~Examples of physical abuse are restraining a resident, striking, slapping, hitting, or withholding food as punishment. Examples of mental abuse are swearing, threatening and seclusion.~~

Dentist - any person licensed by the State of Illinois to practice dentistry, includes persons holding a Temporary Certificate of Registration, as provided in the Illinois Dental Practice Act ~~[111. Rev. Stat. 1991, ch. 111, par. 2301 et seq.]~~ [225 ILCS 25].

Department - as used in this Part means the Illinois Department of Public Health.

~~Developmentally Disabled - those individuals whose disability is attributable to mental retardation, cerebral palsy, epilepsy, autism, or other pathological conditions which generally originate before such individuals attain age 18, and which continue, or can be expected to continue, indefinitely, and which constitute a substantial functioning handicap to such individuals.~~

Developmental Disabilities (DD) Aide - any person who provides nursing, personal or habilitative care to residents of Intermediate Care Facilities for the Developmentally Disabled, regardless of title, and who is not otherwise licensed, certified or registered to render medical care. Other titles often used to refer to DD Aides include, but are not limited to, Program Aides, Program Technicians and Habilitation Aides. DD Aides must function under the supervision of a licensed nurse or a Qualified Mental Retardation Professional (QMRP).

~~Developmental Disability - a severe, chronic disability of a person which:~~

~~is attributable to a mental or physical impairment or combination of mental and physical impairments;~~
~~is manifest before age 22;~~
~~is likely to continue indefinitely;~~
~~results in substantial functional limitations in three or more~~

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~~of the following areas of major life activities:~~
~~self-care;~~
~~receptive and expressive language;~~
~~learning;~~
~~mobility;~~
~~self-direction;~~
~~capacity for independent living; and~~
~~economic self-sufficiency; and~~
~~reflects the person's needs for a combination and sequence of special, interdisciplinary, or generic care, treatment, or other services which are of lifelong or extended duration and individually planned and coordinated.~~

Developmental Disability - means a severe, chronic disability of a person which:

is attributable to a mental or physical impairment or combination of mental and physical impairments, such as mental retardation, cerebral palsy, epilepsy, autism;

is manifested before the person attains age 22;

is likely to continue indefinitely;

results in substantial functional limitations in 3 or more of the following areas of major life activity:

self-care,

receptive and expressive language,

learning,

mobility,

self-direction,

capacity for independent living, and

economic self-sufficiency; and

reflects the person's need for combination and sequence of special, interdisciplinary or generic care, treatment or other services which are of lifelong or extended duration and are individually planned and coordinated. (Section 3-801 of the Act)

Dietetic Service Supervisor - a person who:

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is a qualified dietitian; or

is a graduate of a dietetic technician or dietetic assistant training program, corresponding or classroom, approved by the American Dietetic Association; or

is a graduate, prior to July 1, 1990, of a Department-approved course that ~~provides~~ provided 90 or more hours of classroom instruction in food service supervision and has had experience as a supervisor in a health care institution, which included consultation from a dietitian; or

has successfully completed a Dietary Manager's Association approved dietary managers course; or

is certified as a dietary manager by the Dietary Manager's Association; or

has training and experience in food service supervision and management in a military service equivalent in content to the ~~program~~ programs in ~~paragraph~~ paragraphs (2), ~~or~~ (3) or (4) of this definition.

Dietitian - a person who:

is eligible for registration by the American Dietetic Association; or

has a baccalaureate degree with major studies in food and nutrition, dietetics, and food service management, has 1 year of supervisory experience in the dietetic service of a health care institution, and participates annually in continuing dietetic education.

Direct Supervision - ~~means that~~ work ~~is~~ performed under the guidance and direction of a supervisor who is responsible for the work, who plans work and methods, who is available on short notice to answer questions and deal with problems that are not strictly routine, who regularly reviews the work performed, and who is accountable for the results.

Director - the Director of Public Health or ~~his~~ designee. (Section 1-110 of the Act)

Director of Nursing Service - the full-time Professional Registered Nurse who is directly responsible for the immediate supervision of the nursing services.

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Discharge - the full release of any resident from a facility. (Section 1-111 of the Act)

Distinct Part - an entire, physically identifiable unit consisting of all of the beds within that unit and having facilities meeting the standards applicable to the levels of service to be provided. Staff and services for a distinct part are established as set forth in the respective regulations governing the levels of services approved for the distinct part.

Emergency - a situation, physical condition or one or more practices, methods or operations which present imminent danger of death or serious physical or mental harm to residents of a facility. (Section 1-112 of the Act)

Epilepsy - a chronic symptom of cerebral dysfunction, characterized by recurrent attacks, involving changes in the state of consciousness, sudden in onset, and of brief duration. Many attacks are accompanied by a seizure in which the person falls involuntarily.

~~Equivalent--of--a--Graduate--Licensed--Practical---Nurse----a-licensed practical-nurse,-licensed---by--waiver--who--successfully--passes--the proficiency-examination-approved-by-the-U.S.--Department-of-Health-and Human--Services,---shall--be--considered-the-equivalent-of-a--licensed practical-nurse-who-is-a-graduate-of-an-approved-school--of--practical nursing-for-the-purposes-of-this-Part.~~

Existing Long-Term Care Facility - any facility initially licensed as a health care facility or approved for construction by the Department, or any facility initially licensed or operated by any other agency of the State of Illinois, prior to March 1, 1980. Existing long-term care facilities shall meet the design and construction standards for existing facilities for the level of long-term care for which the license (new or renewal) is to be granted.

~~Facility,-Community-Living---a-place-of-residence-as-limited-in--these standards--for-between-five-and-80-ambulatory-adults-who-are-mildly-or moderately-mentally-retarded--and--who--have--a--potential--for--being absorbed-into-the-mainstream-of-community-life.~~

Facility, Intermediate Care - a facility which provides basic nursing care and other restorative services under periodic medical direction. Many of these services may require skill in administration. Such facilities are for residents who have long-term illnesses or disabilities which may have reached a relatively stable plateau.

Facility, Intermediate Care for the Developmentally Disabled - when

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used in this Part, is a facility of three or more persons, or distinct part thereof, serving residents of which more than 50 percent are developmentally disabled. ~~Facilities-with-any--number--less--than--50 percent--of--developmentally-disabled-residents,-who-are-determined-by the-Department-with-consultation-from-the--Division--of--Developmental Disabilities,--Illinois--Department-of-Mental-Health-and-Developmental Disabilities-to-need-organized-social-support-and--training--programs, must-comply-with-the-program-requirements-in-this-Part.~~

Facility or Long-Term Care Facility - a private home, institution, building, residence, or any other place, whether operated for profit or not, or a county home for the infirm and chronically ill operated pursuant to Division 5-21 or 5-22 of the Counties Code ~~(Ill.--Rev. Stat.--1991,--ch.--34,--pars.-5-21001-et-seq.-and-5-22001-et-seq.)~~ [55 ILCS 5] *or any similar institution operated by a political subdivision of the State of Illinois, which provides, through its ownership or management, personal care, sheltered care or nursing for three or more persons, not related to the applicant or owner by blood or marriage. It includes skilled nursing facilities and intermediate care facilities as those terms are defined in Title XVIII and Title XIX of the Federal Social Security Act* (42 U.S.C.A. 1395 et seq. and 1936 et seq.). A "facility" may consist of more than one building as long as the buildings are on the same tract, or adjacent tracts of land. However, there shall be no more than one "facility" in any one building. *"Facility" does not include the following:*

A home, institution, or other place operated by the federal government or agency thereof, or by the State of Illinois;

A hospital, sanitarium, or other institution whose principal activity or business is the diagnosis, care, and treatment of human illness through the maintenance and operation as organized facilities therefor, which is required to be licensed under the Hospital Licensing Act ~~(Ill.-Rev.-Stat.-1991,-ch.-111 1/2,-par.-142-et-seq.)~~ [210 ILCS 85];

Any "facility for child care" as defined in the Child Care Act of 1969 ~~(Ill.-Rev.--Stat.-1991,-ch.-23,-par.-2211-et-seq.)~~ [225 ILCS 10];

Any "community living facility" as defined in the Community Living Facilities Licensing Act ~~(Ill.--Rev.--Stat.--1991,-ch. 111-1/2,-par.-4181-et-seq.)~~ [210 ILCS 35];

Any "community residential alternative" as defined in the Community Residential Alternatives Licensing Act ~~(Ill.-Rev.-Stat. 1991,-ch.-91-1/2,-par.-621-et-seq.)~~ [210 ILCS 140];

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Any nursing home or sanatorium operated solely by and for persons who rely exclusively upon treatment by spiritual means through prayer, in accordance with the creed or tenets of any well-recognized church or religious denomination. However, such nursing home or sanatorium shall comply with all local laws and rules relating to sanitation and safety;

Any facility licensed by the Department of Mental Health and Developmental Disabilities as a community-integrated living arrangement as defined in the Community-Integrated Living Arrangements Licensure and Certification Act ~~ILL. REV. STAT. 1991, CH. 91 1/2, PAR. 1701 ET SEQ.~~ [210 ILCS 135]; *or*

Any supportive residence licensed under the Supportive Residences Licensing Act ~~ILL. REV. STAT. 1991, CH. 111 1/2, PARS. 9001 ET SEQ.~~ [210 ILCS 65]. (Section 1-113 of the Act)

Facility, Long-Term Care, for Residents Under 22 Years of Age - when used in this Part ~~these standards~~ is synonymous with a long-term care facility for residents under 22 years of age, which facility provides total habilitative health care to residents who require specialized treatment, training and continuous nursing care because of medical or developmental disabilities.

Facility, Sheltered Care - when used in this Part is synonymous with a sheltered care facility, which facility provides maintenance, and personal care ~~and oversight~~.

Facility, Skilled Nursing - when used in this Part is synonymous with a skilled nursing facility. A skilled nursing facility provides skilled nursing care, continuous skilled nursing observations, restorative nursing, and other services under professional direction with frequent medical supervision. Such facilities are provided for patients who need the type of care and treatment required during the post acute phase of illness or during recurrences of symptoms in long-term illness.

Financial Responsibility - having sufficient assets to provide adequate services such as: staff, heat, laundry, foods, supplies, and utilities for at least a two-month period of time.

Full-time - ~~means~~ on duty a minimum of 36 hours, four days per week.

Goal - an expected result or condition that involves a relatively long period of time to achieve, that is specified in behavioral terms in a statement of relatively broad scope, and that provides guidance in establishing specific, short-term objectives directed toward its attainment.

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Governing Body - the policy-making authority, whether an individual or a group, that exercises general direction over the affairs of a facility and establishes policies concerning its operation and the welfare of the individuals it serves.

Guardian - a person appointed as a guardian of the person or guardian of the estate, or both, of a resident under the Probate Act of 1975 ~~ILL. REV. STAT. 1991, CH. 110 1/2, PAR. 1 ET SEQ.~~ [755 ILCS 5]. (Section 1-114 of the Act)

Habilitation - an effort directed toward the alleviation of a disability or toward increasing a person's level of physical, mental, social or economic functioning. Habilitation may include, but is not limited to, diagnosis, evaluation, medical services, residential care, day care, special living arrangements, training, education, sheltered employment, protective services, counseling and other services.

Health Services Supervisor - (Director of Nursing Service) the full-time Registered Nurse, or Licensed Practical Nurse, who is directly responsible for the immediate supervision of the health services in an Intermediate Care Facility.

Home for the Aged - any facility which is operated: by a not-for-profit corporation incorporated under, or qualified as a foreign corporation, under the General Not For Profit Corporation Act of 1986 ~~ILL. REV. STAT. 1991, CH. 32, PAR. 101.01 ET SEQ.~~ [805 ILCS 105]; or, by a county pursuant to Division 5-22 of the Counties Code ~~ILL. REV. STAT. 1991, CH. 34, PAR. 5-2201 ET SEQ.~~ [55 ILCS 5]; or, pursuant to a trust or endowment established for nonprofit, charitable purposes; and which provides maintenance, personal care, nursing or sheltered care to three or more residents, 90 percent of whom are 60 or more years of age.

Hospitalization - the care and treatment of a person in a hospital as an in-patient.

~~House Manager - a qualified person on duty 40 hours a week managing the Community Living Facility and responsible for its operation and its inhabitants.~~

Individual Education ~~Educational~~ Program (IEP) - a written statement for each resident that provides for specific education and related services. The Individual Education Program may be incorporated into the Individual Habilitation Plan (IHP).

Individual Habilitation Plan (IHP) - a total plan of care that is developed by the interdisciplinary team for each resident, and that

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is developed on the basis of all assessment results.

Institutional Occupancy - when used in this Part means Health Care Facilities, Group (a), as defined in Chapter 10, paragraph 10-0001 of the Life Safety Code, National Fire Protection Association (1985 Edition).

Interdisciplinary Team - a group of persons that represents those professions, disciplines, or service areas that are relevant to identifying an individual's strengths and needs, and designs a program to meet those needs. This team shall include at least a physician, a social worker and other professionals. In Intermediate Care Facilities for the ~~the~~ Developmentally Disabled (ICF/DD ~~DDs~~) at least one member of the team shall be a Qualified Mental Retardation Professional. The Interdisciplinary Team includes the resident, the resident's guardian, the resident's primary service providers, including staff most familiar with the resident; and other appropriate professionals and caregivers as determined by the resident's needs. The resident or his or her guardian may also invite other individuals to meet with the Interdisciplinary Team and participate in the process of identifying the resident's strengths and needs.

Licensed Nursing Home Administrator - a person who is charged with the general administration and supervision of a facility and licensed under the Nursing Home Administrators Licensing and Disciplinary Act ~~(Ill.--Rev.-Stat.-1991,-ch.-111,-par.-3651-et-seq.)~~ [225 ILCS 70].

Licensed Practical Nurse - a person with a valid Illinois license to practice as a practical nurse.

Licensee - the person or entity licensed to operate the facility as provided under the Act. (Section 1-115 of the Act)

Life Care Contract - a contract through which a facility agrees to provide maintenance and care for a resident throughout the remainder of the resident's life.

Maintenance - food, shelter, and laundry services. (Section 1-116 of the Act)

Maladaptive Behavior - impairment in adaptive behavior as determined by a clinical psychologist or by a physician. Impaired adaptive behavior may be reflected in delayed maturation, reduced learning ability or inadequate social adjustment.

Medical Record Practitioner - a person who: is eligible for certification as a registered record administrator (RRA) or an

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accredited record technician (ART), by the American Medical Record Association under its requirements; or is a graduate of a school of medical record science that is accredited jointly by the American Medical Association and the American Medical Record Association.

Mentally Retarded and Mental Retardation - subaverage general intellectual functioning originating during the developmental period and associated with maladaptive behavior.

Misappropriation of Property - using a resident's cash, clothing, or other possessions without authorization by the resident or the resident's authorized representative; failure to return valuables after a resident's discharge; or failure to refund money after death or discharge when there is an unused balance in the resident's personal account.

Mobile Nonambulatory - unable to walk independently or without assistance, but able to move from place to place with the use of a ~~devices~~ device such as a ~~walkers~~ walker, crutches, a ~~wheelchairs~~ wheelchair, ~~and~~ or a wheeled ~~platforms~~ platform.

Mobile Resident - any resident who is able to move about either independently or with the aid of an assistive ~~devices~~ device such as a ~~walkers~~ walker, crutches, a ~~wheelchairs~~ wheelchair, ~~and~~ or a wheeled ~~platforms~~ platform.

Monitor - a qualified person placed in a facility by the Department to observe operations of the facility, assist the facility by advising it on how to comply with the State regulations, and who reports periodically to the Department on the operations of the facility.

~~Multidisciplinary---see-Interdisciplinary--Team.~~

Neglect - a failure in a facility to provide adequate medical or personal care or maintenance, which failure results in physical or mental injury to a resident or in the deterioration of a resident's physical or mental condition. (Section 1-117 of the Act) Neglect means~~:~~ the ~~The~~ failure to provide adequate medical or personal care or maintenance, which failure results in physical or mental injury to a resident or in the deterioration of a resident's physical or mental condition. This shall include any allegation where:

the alleged failure causing injury or deterioriation is ongoing or repetitious; or

a resident required medical treatment as a result of the alleged failure; or

the failure is alleged to have caused a noticeable negative impact on a resident's health, behavior or activities for more than 24 hours.

New Long-Term Care Facility - any facility initially licensed as a health care facility by the Department, or any facility initially licensed or operated by any other agency of the State of Illinois, on or after March 1, 1980. New long-term care facilities shall meet the design and construction standards for new facilities for the level of long-term care for which the license (new or renewal) is to be granted.

Normalization - the principle of helping individuals to obtain an existence as close to normal as possible, by making available to them patterns and conditions of everyday life that are as close as possible to the norms and patterns of the mainstream of society.

Nurse - a registered nurse or a licensed practical nurse as defined in the Illinois Nursing Act of 1987 ~~{Ill. Rev. Stat. 1991, ch. 111, par. 3501 et seq.}~~ [225 ILCS 65]. (Section 1-118 of the Act)

Nursing Assistant - ~~Any~~ any person who provides nursing care or personal care to residents of licensed long-term care facilities, regardless of title, and who is not otherwise licensed, certified or registered by the Department of Professional Regulation to render medical care. Other titles often used to refer to nursing assistants include, but are not limited to, nurse's aide, orderly and nurse technician. Nursing assistants must function under the supervision of a licensed nurse.

Nursing Care - a complex of activities which carries out the diagnostic, therapeutic, and rehabilitative plan as prescribed by the physician; care for the resident's environment; observing symptoms and reactions and taking necessary measures to carry out nursing procedures involving understanding of cause and effect in order to safeguard life and health.

Nursing Unit - a physically identifiable designated area of a facility consisting of all the beds within the designated area, but having no more than 75 beds, none of which are more than 120 feet from the nurse's station.

Objective - an expected result or condition that involves a relatively short period of time to achieve, that is specified in behavioral terms, and that is related to the achievement of a goal.

Occupational Therapist, Registered (OTR) - a person who is registered ~~with the Department of Professional Regulation~~ as an occupational

therapist under the Illinois Occupational Therapy Practice Act ~~{Ill. Rev. Stat. 1991, ch. 111, par. 3701 et seq.}~~ [225 ILCS 75].

Occupational Therapy Assistant - a person who is registered ~~with the Department of Professional Regulation~~ as a certified occupational therapy assistant under the Illinois Occupational Therapy Practice Act.

Operator - the person responsible for the control, maintenance and governance of the facility, its personnel and physical plant.

Other Resident Injury - occurs where a resident is alleged to have suffered physical or mental harm and the allegation does not fall within the definition of abuse or neglect.

Oversight - general watchfulness and appropriate ~~action~~ reaction to meet the total needs of the residents, exclusive of nursing or personal care. Oversight shall include, but is not limited to, social, recreational and employment opportunities for residents who, by reason of mental disability, or in the opinion of a licensed physician, are in need of residential care.

Owner - the individual, partnership, corporation, association or other person who owns a facility. In the event a facility is operated by a person who leases the physical plant, which is owned by another person, "owner" means the person who operates the facility, except that if the person who owns the physical plant is an affiliate of the person who operates the facility and has significant control over the day-to-day operations of the facility, the person who owns the physical plant shall incur jointly and severally with the owner all liabilities imposed on an owner under the Act. (Section 1-119 of the Act)

Person - any individual, partnership, corporation, association, municipality, political subdivision, trust, estate or other legal entity whatsoever.

Personal Care - assistance with meals, dressing, movement, bathing, or other personal needs, or maintenance, or general supervision and oversight of the physical and mental well-being of an individual, ~~exclusive of nursing,~~ who ~~because of age, physical or mental disability, emotional or behavior disorder, or mental retardation~~ is incapable of maintaining a private, independent residence, or who is incapable of managing his person, whether or not a guardian has been appointed for such individual. (Section 1-120 of the Act)

Pharmacist, Registered - a person who holds a certificate of registration as a registered pharmacist, a local registered

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pharmacist or a registered assistant pharmacist under the Pharmacy Practice Act of 1987 ~~(Ill.~Rev.~Stat.~1991,~ch.~111,~par.~4121~et seq.)~~ [225 ILCS 85].

Physical Therapist Assistant - a person who has graduated from a two year college level program approved by the American Physical Therapy Association.

Physical Therapist - a person who is registered ~~with~the~Department of~Professional~Regulation~~ as a physical therapist under the Illinois Physical Therapy Act ~~(Ill.~Rev.~Stat.~1991,~ch.~111,~par.~4251~et seq.)~~ [225 ILCS 90].

Physician - any person licensed by the State of Illinois to practice medicine in all its branches as provided in the Medical Practice Act of 1987 ~~(Ill.~Rev.~Stat.~1991,~ch.~111,~par.~4400-1~et~seq.)~~ [225 ILCS 60].

Probationary License - an initial license issued for a period of 120 days during which time the Department will determine the qualifications of the applicant.

~~Program~Coordinator~~a~qualified~person~directly~responsible~for~the overall~program,~operation~and~management~of~a~Community~Living Facility.~

Psychiatrist - a physician who has had at least three years of formal training or primary experience in the diagnosis and treatment of mental illness.

Psychologist - a person who is licensed ~~by~the~Illinois~Department~of Professional~Regulation~~ to practice clinical psychology under the Clinical Psychologist Licensing Act ~~(Ill.~Rev.~Stat.~1991,~ch.~111, par.~5351~et~seq.)~~ [225 ILCS 15].

Qualified Mental Retardation Professional - a person who has at least one year of experience working directly with individuals with developmental disabilities and meets at least one of the following additional qualifications:

Be a physician as defined in this Section.

Be a registered nurse as defined in this Section.

Hold at least a bachelor's degree in one of the following fields: occupational therapy, physical therapy, psychology, social work, speech or language pathology, recreation (or a recreational specialty area such as art, dance, music, or

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physical education), dietary services or dietetics, or a human services field (such as sociology, special education, or rehabilitation counseling).

Qualified Professional - a person who meets the educational, technical and ethical criteria of a health care profession, as evidenced by eligibility for membership in an organization established by the profession for the purpose of recognizing those persons who meet such criteria; and who is licensed, registered, or certified by the State of Illinois, if required.

Reasonable Visiting Hours ~~*visiting~hours*~~ *- any time between the hours of 10:00 a.m. and 8:00 p.m. daily.* (Section 1-121 of the Act)

Registered Nurse - a person with a valid Illinois license ~~from~the Illinois~Department~of~Professional~Regulation~~ to practice as a registered professional nurse under the Illinois Nursing Act of 1987 ~~(Ill.~Rev.~Stat.~1991,~ch.~111,~par.~3501~et~seq.)~~.

Repeat Violation - For purposes of assessing fines under Section 3-305 of the Act, a violation that has been cited during one inspection of the facility for which a subsequent inspection indicates that *an accepted plan of correction was not complied with,* within a period of not more than twelve months from the issuance of the initial violation. *A repeat violation shall not be a new citation of the same rule, unless the licensee is not substantially addressing the issue routinely throughout the facility.* (Section 3-305(7) of the Act)

Reputable Moral Character - having no history of a conviction of the applicant, or if the applicant is a firm, partnership, or association, of any of its members, or of a corporation, of any of its officers, or directors, or of the person designated to manage or supervise the facility, of a felony, or of two or more misdemeanors involving moral turpitude, as shown by a certified copy of the record of the court of conviction, or in the case of the conviction of a misdemeanor by a court not of record, as shown by other evidence; or other satisfactory evidence that the moral character of the applicant, or manager, or supervisor of the facility is not reputable.

Resident - person residing in and receiving personal care from a facility. (Section 1-122 of the Act)

Resident Services Director - the full-time administrator, or an individual on the professional staff in the facility, who is directly responsible for the coordination and monitoring of the residents' overall plans of care in an intermediate care facility.

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Resident's Representative - a person other than the owner, or an agent or employee of a facility not related to the resident, designated in writing by a resident to be his representative, or the resident's guardian, or the parent of a minor resident for whom no guardian has been appointed. (Section 1-123 of the Act)

Restorative Care - a health care process designed to assist residents to attain and maintain the highest degree of function of which they are capable (physical, mental, and social).

Restraint - any physical, mechanical, or chemical means, or the use thereof, that restricts movement of the limbs, head, or body of a resident, except when used as a safety device or as part of a medically prescribed procedure for the treatment of an existing physical disorder or the amelioration of a physical or emotional handicap.

Mechanical restraint is any mechanical device, or use thereof, that so restricts movement.

Physical restraint is the use of personal human force that so restricts movement.

Chemical restraint is the use of any chemical that so restricts movement.

Mechanical supports used to achieve proper body position and balance are not restraints. The partial or total immobilization of a resident for the purpose of performing a medical/surgical procedure is not restraint.

Restriction - the placement of a limitation on a resident's rights, which includes the use of restraints, confinement, aversive stimuli, and time out exceeding 15 minutes at any one time.

Room - a part of the inside of a facility that is partitioned continuously from floor to ceiling with openings closed with glass or hinged doors.

Safety Device - any equipment or protective device used on a bed, chair, or resident which prevents him from falling or otherwise injuring himself. Examples are: bedside rails; geriatric or adaptive chairs; a wide band, vest or sheet applied to prevent falling out of a bed or chair; and hand socks applied to prevent injuring one's self.

Sanitization - the reduction of pathogenic organisms on a utensil surface to a safe level, which is accomplished through the use of steam, hot water, or chemicals.

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Satisfactory - same as adequate.

Seclusion - the retention of a resident alone in a room with a door that ~~which~~ the resident cannot open.

Self Preservation - the ability to follow directions and recognize impending danger or emergency situations and react by avoiding or leaving the unsafe area.

Sheltered Care ~~care~~ - maintenance and personal care. (Section 1-124 of the Act)

Social Worker, Qualified - A person who~~:~~ is a licensed social worker or a licensed clinical social worker under the Clinical Social Work and Social Work Practice Act ~~(Ill. Rev. Stat. 1991, ch. 111, par. 6351 et seq.)~~ [225 ILCS 20]~~;~~. and

~~is a graduate of a school of social work which has been approved by the Council on Social Work Education (some schools are approved for Bachelor's Degree programs and others for Masters Degree); and~~

~~has one year of social work experience in a health care setting.~~

State Fire Marshal - the Fire Marshal of the Office of the State Fire Marshal, Division of Fire Prevention.

Sterilization - the act or process of destroying completely all forms of microbial life, including viruses.

Stockholder of a Corporation ~~corporation~~ - any person who, directly or indirectly, beneficially owns, holds or has the power to vote, at least five percent of any class of securities issued by the corporation. (Section 1-125 of the Act)

Story - when used in this Part means that portion of a building between the upper surface of any floor and the upper surface of the floor above except that the topmost story shall be the portion of a building between the upper surface of the topmost floor and the upper surface of the roof above.

Student Intern - means any person whose total term of employment in any facility during any 12-month period is equal to or less than 90 continuous days, and whose term of employment is either:

an academic credit requirement in a high school or undergraduate institution; or

immediately succeeds a full quarter, semester or trimester of academic enrollment in either a high school or undergraduate

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institution, provided that such person is registered for another full quarter, semester or trimester of academic enrollment in either a high school or undergraduate institution which quarter, semester or trimester will commence immediately following the term of employment. (Section 1-125.1 of the Act)

Substantial Compliance - meeting requirements except for variance from the strict and literal performance that ~~,-which~~ results in unimportant omissions or defects given the particular circumstances involved. This definition is limited to the phrase as used in Sections ~~390.280(q)(8),--390.280(k)(2)--and--390.280(k)(4),~~ 390.140(a)(3) and 390.150(a)(3).

Substantial ~~failure~~ Failure - the failure to meet requirements other than a variance from the strict and literal performance that ~~,-which~~ results in unimportant omissions or defects given the particular circumstances involved. This definition is limited to the phrase as used in Section ~~390.180(b)(1)-and-390.260(f),~~ 390.165(b)(1).

Sufficient - Same as adequate.

Supervision - authoritative procedural guidance by a qualified person for the accomplishment of a function or activity within his sphere of competence, with initial direction and periodic inspection of the actual act of accomplishing the function or activity. ~~Unless otherwise-stated-in-this-Part,-the-supervisor-must-be-on-the--premises if-the-person--does--not--meet---assistant--level--(two-year--training program)--qualifications-specified-in-these--definitions.~~

Therapeutic Recreation Specialist - a person who is certified by the National Council for Therapeutic Recreation Certification and who meets the minimum standards it has established for classification as a Therapeutic Recreation Specialist.

Time Out - removing an individual from a situation that results in undesirable behavior. It is a behavior modification procedure which is developed and implemented under the supervision of a qualified professional.

Title XVIII - Title XVIII of the Federal Social Security Act as now or hereafter amended. (Section 1-126 of the Act)

Title XIX - Title XIX of the Federal Social Security Act as now or hereafter amended. (Section 1-127 of the Act)

Transfer - a change in status of a resident's living arrangements from one facility to another facility. (Section 1-128 of the Act)

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Type A Violation - a violation of the Act or of the rules promulgated thereunder which creates a condition or occurrence relating to the operation and maintenance of a facility presenting a substantial probability that death or serious mental or physical harm to a resident will result therefrom. (Section 1-129 of the Act)

Type B Violation - a violation of the Act or of the rules promulgated thereunder which creates a condition or occurrence relating to the operation and maintenance of a facility directly threatening to the health, safety or welfare of a resident. (Section 1-130 of the Act)

Unit - an entire physically identifiable residence area~~,-in-Community living--Facilities-consisting-of-not-less-than-five-nor-more--than--20 beds,--and~~ having facilities meeting the standards applicable to the levels of service to be provided. Staff and services for each distinct resident area are established as set forth in the respective rules governing the approved levels of service.

Universal Progress Notes - a common record with periodic narrative documentation by all persons involved in resident care.

Valid License - a license which is unsuspended, unrevoked and unexpired.

(Source: Amended at 19 Ill. Reg. 11525, effective JUL 29 1995)

SUBPART E: HEALTH AND DEVELOPMENTAL SERVICES

Section 390.1040 Nursing Services

a) The facility shall have a written program of Nursing Services, providing for a planned medical program, encompassing nursing treatments, rehabilitation and habilitation nursing, skilled observations, and ongoing evaluation and coordination of the resident's individual habilitation plan.

b) There shall be a sufficient number of nursing and auxiliary personnel on duty 24 hours each day to provide adequate and properly supervised nursing services to meet the nursing needs of the residents. There shall be at least one registered nurse seven days a week ~~on--the--day shift~~, for 8 consecutive hours. There shall be at least one registered nurse or licensed practical nurse on duty at all times and on each floor housing residents. Nursing staff personnel shall include registered professional nurses, licensed practical nurses, and auxiliary personnel as defined in Section 390.330 of this Part. ~~(A,-B)~~

c) ~~Director-of-Nursing-Service.~~ There shall be a director of nursing who shall be a registered nurse. ~~(B)~~

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d) The director of nursing shall have knowledge and training in nursing service administration, restorative and habilitative nursing. ~~(B)~~

e) The director of nursing shall be a full-time employee who is on duty a minimum of 36 hours, four days per week. At least 50 percent of this person's hours shall be regularly scheduled some time between 7 A.M. and 7 P.M. ~~(B)~~

1) A facility may, with written approval from the Department, have two registered nurses share the duties of this position if it is unable to obtain a full-time person. Such an arrangement will be granted approval only through written documentation that the facility was unable to obtain the full-time services of a qualified individual to fill this position. Such documentation shall include, but not be limited to: an advertisement that has appeared in a newspaper of general circulation in the area for at least three weeks; the names, addresses and phone numbers of all persons who applied for the position and the reasons why they were not acceptable or would not work full-time; and information about the number and availability of registered nurses in the area. The Department will grant approval only when such documentation indicates that there were no qualified applicants who were willing to accept the job on a full-time basis, and the pool of registered nurses available in the area cannot be expected to produce, in the near future, a qualified person who is willing to work full-time. If two persons are to share the position, one shall be designated the Director of Nursing Services and the other shall be designated the Assistant Director of Nursing Services. Both of these persons shall be R.N.s.

2) In facilities with a capacity of less than 50 beds, this person (or these persons), may also provide direct patient care, and this person's time may be included in meeting the staff/resident ratio requirements.

f) In facilities of 100 occupied beds or more, there shall be an assistant director of nursing who is a registered nurse licensed to practice in Illinois. The assistant must meet the qualifications specified in subsection (d) of this Section. ~~(B)~~

g) The assistant director of nursing shall be a full-time employee who is on duty a minimum of 36 hours, four days per week. The assistant need not work on the day shift but may be assigned to any shift. ~~(B)~~

h) The assistant director of nursing shall assist the director in carrying out her responsibilities. ~~(B)~~

i) The responsibilities of the director of nursing shall include, at a minimum, the following: ~~(B)~~

1) Assigning and directing the activities of nursing and auxiliary service personnel.

2) Planning an up-to-date resident care plan for each resident in cooperation with the interdisciplinary team based on individual needs and goals to be accomplished, physician's orders, and

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personal care and nursing needs. Services such as nursing, developmental, activities, dietary, and such other modalities as are ordered by the physician, shall be reflected in the preparation of the resident care plan. The plan shall be in writing and shall be reviewed and modified in keeping with the care needed as indicated by the resident's condition. The plan shall be reviewed every three months.

3) Recommending to the administrator the number and levels of nursing personnel to be employed, participating in their recruitment and selection and recommending termination of employment when necessary.

4) Participating in planning and budgeting for nursing services including purchasing of necessary equipment and supplies.

5) Developing and maintaining nursing service objectives, standards of nursing practice, written policies and procedures, and written job descriptions for each level of nursing and auxiliary personnel.

6) Coordinating health services and nursing services with other resident care services such as medical, pharmaceutical, dietary activities, and any other restorative and habilitative services offered.

7) Planning of inservice education, embracing orientation, skill training, and ongoing education for all nursing personnel covering all aspects of resident care and programming. The educational program shall include training and practice in activities and restorative and habilitative nursing techniques through out-of-facility or in-facility training programs. The director of nursing may conduct these programs personally or see to it that they are carried out.

8) Participating in the development and implementation of resident care policies and bringing resident care problems, requiring changes in policy, to the attention of the facility's policy development group. (See Section 390.610(a).)

9) Participating in the screening of prospective residents and their placement in terms of services they need and nursing competencies available.

j) ~~Nursing,--Personal,--Habilitative--Rehabilitative--Care.~~ Nursing care (including personal, habilitative and rehabilitative care measures) shall be practiced on a 24 hour, seven day a week basis in the care of residents. Those procedures requiring medical approval shall be ordered by the attending physician. ~~(B)~~

k) Nursing care shall include at a minimum the following:

1) All medications including oral, rectal, hypodermic, and intra-muscular shall be properly administered. ~~(A, B)~~

2) All treatment such as: enemas, irrigations, catherizations, applications of dressing or bandages, supervision of special diets, restorative and habilitative measures in Section 390.1620(a)(11) and other treatments involving a like level of

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skill, shall be properly administered. ~~(A, B)~~

3) All objective observations of changes in a resident's condition, including mental and emotional changes, as a means for analyzing and determining care required and the need for further medical, nursing or psychosocial evaluation and treatment shall be provided. ~~(B)~~

l) Each resident shall have his temperature taken daily unless otherwise ordered by the physician. If the temperature varies two degrees from the normal for the resident, the physician shall be notified. ~~(B)~~

m) Skin care shall be given to prevent pressure sores, heat rashes or other skin breakdown. Each resident with pressure sores, heat rashes or other skin breakdown shall be checked at least every two hours and given care as needed including clothing and diaper change. Skin care shall be given with each diaper change. ~~(B)~~

n) Skin care should be provided as follows: ~~(B)~~

1) Bathing, clean linens, diapers, and clothing each time the bed or clothing is soiled. Rubber, plastic, or other types of linen protectors (newspapers not acceptable) shall be properly cleaned and completely covered to prevent direct contact with the resident. If rubber, plastic, or other type of waterproof materials are used for protective pants, they shall not come in direct contact with the resident. Special attention shall be given to the skin to prevent irritations, skin rashes, or ulcerations. ~~(B)~~

2) Assistance in being up and out of bed as much as the condition of the resident permits. The resident may be denied this assistance only upon the written order of his physician. If the resident cannot move himself, he shall have his position changed every two hours or more as necessary.

o) All necessary precautions shall be taken to assure the safety of residents at all times, such as: nonslip wax on floors, side rails on beds, safe equipment and assistive devices properly maintained, and proper use of safety devices. (See Section 390.2020(a)(2).) (A, B)

p) Each resident shall perform all of the following personal care functions independently if possible. If unable to do so, assistance shall be provided by staff. ~~(B)~~

1) Each resident shall bathe as often as necessary, but at least daily.

2) Each resident shall change clothing as often as necessary, but at least daily.

3) Each resident shall shampoo as often as necessary, but at least weekly.

4) Each resident shall clean and trim fingernails and toenails as often as necessary but at least weekly.

5) Each resident shall perform oral hygiene as often as necessary, but at least daily.

6) Each female resident shall be provided with commercial sanitary napkins during menses. Frequent cleansing of the perineal area

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shall be performed.

q) Haircuts shall be provided as needed. Socially acceptable hair styles and the wishes of the resident must be taken into consideration. ~~(B)~~

r) Each resident shall dress in street clothing and be out of bed at all times other than regularly scheduled sleeping or napping hours, unless contraindicated. ~~(B)~~

s) Adaptive equipment shall be provided to ensure the safety of the resident (such as seat belts, helmets, mitts, and special padding). ~~(B)~~

t) Each resident shall be weighed upon admission and at least once a week thereafter unless otherwise ordered in writing by the physician. Any significant change shall be reported to the attending physician and dietitian. ~~(B)~~

u) Each resident shall be encouraged and, if necessary, assisted in maintaining good body alignment while lying in bed, sitting or standing, through proper positioning and turning. ~~(B)~~

v) Each resident shall be assisted in maintaining maximum joint range of motion, and active range of motion through proper exercises. ~~(B)~~

w) Each resident shall be trained and encouraged to adopt food habits as near as possible to normal. Residents shall receive solids, unless otherwise ordered in writing by the physician. Each resident shall eat in ~~an~~ as upright a position as possible and out of bed unless contraindicated. ~~(B)~~

x) Each incontinent resident shall be assisted in regaining bowel and bladder patterns through proper bowel and bladder training or retraining. The use of indwelling catheters shall be discouraged. ~~(B)~~

y) All residents shall be encouraged and, when necessary, taught to function at their maximum level in all activities of daily living for as long as and to the degree that they are able. ~~(B)~~

z) All residents shall be assisted and encouraged with daily ambulation unless otherwise ordered by the physician. ~~(B)~~

aa) All residents shall be taught and assisted with safe transfer activities in an effort to help them retain, regain, or gain their maximum level of independence. ~~(B)~~

bb) ~~Staffing.~~ Staffing shall be based on the needs of the residents, and shall be determined by figuring the number of hours of personal and habilitative time each resident needs on each shift of the day. This determination shall be made separately for both licensed nursing personnel and other personal and habilitative care personnel. Personal and habilitative personnel may include, in addition to licensed nurses, such persons as aides, orderlies, therapists, teachers, and any other person providing direct habilitative care to residents. ~~(A, B)~~

1) In a facility whose residents participate in regularly scheduled therapeutic programs outside the facility, such as school or sheltered workshops, the minimum hours of care that must be provided are reduced proportionately.

2) It is the responsibility of each facility to determine the

staffing needed to meet the needs of its residents. It is the responsibility of the Department to verify that the staffing provided by the facility is sufficient to meet the needs of the residents.

3) The following figures apply to hours of care actually provided and not to hours of care scheduled to be provided.

4) Each resident shall be provided with a minimum of four hours of personal and habilitative care each day. The director of nursing shall not be included in hours of personal and habilitative care provided.

5) The facility shall schedule personnel in such a manner that the needs of all residents are met. At least 30 percent of the minimum required hours shall be on the day shift, at least 30 percent of the minimum required hours shall be on the evening shift, and at least ten percent of the minimum required hours shall be on the night shift. The total percentage must add up to 100 percent each day. At least 12.5 percent of the hours of care provided on each shift must be by licensed nursing personnel. Licensed nursing personnel may be used to replace other personal and habilitative care staff if the needs of the residents are met by such staffing.

6) Staffing Calculations

A) When computing the number of staff hours needed per shift, any figure less than .25 will be dropped from the computation and any figure of .75 or higher will go to the next higher number. Figures in between .25 and .75 will require at least the amount of coverage indicated: .25 will require two hours of coverage; .3 will require two and one half hours of coverage; .5 will require four hours of coverage; .6 will require five hours of coverage; .74 will require six hours of coverage; .75 or higher will require eight hours of coverage.

B) These hours may be provided by: a part-time person working those hours only on that shift each day; a full-time person working a shift that spans two regular shifts ~~--i.e.~~ (such as from 12 noon to 8 P.M.); or by an additional full-time person on the shift. However, these figures are minimal staffing requirements, and it is recommended that a full-time person be provided.

cc) ~~Additional requirements.~~ In addition to the other requirements of this Section, the following also apply:

1) There shall be a licensed nurse designated as being in charge of nursing services on all shifts when neither the director of nursing nor ~~or~~ assistant director of nursing are on duty. If registered nurses and licensed practical nurses are on duty on the same shift, this person shall be a registered nurse. This person may be a charge nurse on one of the nursing units.

2) There shall be at least one person awake, dressed and on duty at all times in each separate nursing unit. ~~(A7-B)~~

3) There shall be at least one registered nurse on duty seven days per week, 8 consecutive hours. ~~(A7-B)~~

4) There shall be at least one registered nurse or licensed practical nurse on duty at all times. ~~(A7-B)~~

5) There shall be at least one registered nurse or licensed practical nurse on duty on each floor housing residents. ~~(A7-B)~~

6) The need for licensed nurses on each nursing unit will be determined on an individual case basis, dependent upon the individual situation. If such additional staffing is required, the Department will inform the facility in writing of the kind and amount of additional staff time required, and the reason why it is needed.

7) The need for an additional licensed nurse to serve as a "house supervisor" will be determined on an individual case basis. If the Department determines that there is a need for a registered nurse on certain shifts whose sole duties will consist of supervising the nursing services of the facility, the Department shall notify the facility in writing when and why such a person is needed. This person shall not perform the duties of a charge nurse while serving as the "house supervisor".

(Source: Amended at 19 Ill. Reg. 11525, effective JUL 29 1995)

SUBPART G: MEDICATIONS

Section 390.1420 Conformance with Physician's Orders

a) All medications including cathartics, headache remedies, or vitamins shall be given only upon the written order of a physician. All such orders shall have the handwritten signature of the physician (Rubber stamp signatures are not acceptable.) These medications shall be given as prescribed by the physician and at the designated time. ~~(A7-B)~~ Telephone orders may be taken by a registered nurse or licensed practical nurse. All such orders shall be immediately written on the resident's clinical record, or a "telephone order form" and signed by the nurse taking the order. These orders shall be countersigned by the physician within 10 ~~five--working~~ days. ~~Facilities---participating--in--Medicare/Medicaid---must---meet----the applicable-Federal-regulations.--(B)~~

b) ~~Review--of--medication--orders:~~ The staff pharmacist or consultant pharmacist shall review the medical record, including physician orders and laboratory test results, at least monthly and, based on their clinical experience and judgment, determine if there are irregularities which would cause potential adverse reactions, allergies, interactions, contraindications, or ineffectiveness. This review shall be done at the facility. Documentation of this review

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must be entered in the resident's clinical record. Any irregularities noted shall be reported to the attending physician, the advisory physician, and the administrator. ~~(A7-B)~~

c) A medication order not specifically limiting the time or number of doses shall be automatically stopped in accordance with written policy approved by the pharmaceutical advisory committee. ~~(B)~~

d) The resident's attending physician shall be notified of medications about to be stopped so that the physician may promptly renew such orders to avoid interruption of the resident's therapeutic regimen. ~~(B)~~

e) All medications to be released to the resident, or person responsible for his care, at the time of discharge or when the resident is going to be temporarily out of the facility at medication time7 (such as when attending a vocational training program or on a week-end pass), shall be approved by the pnysician. A notation concerning their disposition shall be made on the resident's clinical record.

(Source: Amended at 19 Ill. Reg. 11525, effective JUL 29 1995)

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1) Heading of the Part: Sheltered Care Facilities Code

2) Code Citation: 77 Ill. Adm. Code 330

3)

Section Numbers:	Adopted Action:
330.270	Amendments
330.330	Amendments

4) Statutory Authority:

Nursing Home Care Act
210 ILCS 45

5) Effective Date of Rulemaking: July 29, 1995

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain incorporations by reference? No

8) Date Filed in Agency's Principal Office: July 29, 1995

9) Notice of Proposal Published in Illinois Register:

July 29, 1995 - 18 Ill. Reg. 11829

10) Has JCAR issued a Statement of Objections to these rules? Yes

If yes please complete the following:

A) Statement of Objection: AUG 11 1995, 11668

B) Agency Response: AUG 11 1995, 11661

C) Date Agency Response Submitted for Approval to the Joint Committee:

July 27, 1995

11) Difference(s) between proposal and final version:

The following changes were made in response to comments received during the first notice or public comment period:

a. In line 279, insert a space between the comma and quotation mark.

b. In line 288, insert ", as appropriate," after "working".

c. In line 294, insert "either" after "facility".

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d. In line 377, insert a space between "Stat" and "1991".

e. In line 515, strike out "is".

f. In line 524, add "s" to "year".

g. In line 526, delete "by the Department of Professional Regulation".

h. Delete all text in lines 638-643.

i. In line 712, replace "1989" with "1991".

j. In line 720, strike out "to" and insert "and".

k. In line 735, insert ")" after "seq." and strike out the parenthesis before the semi-colon.

l. in line 758, replace "these standards" with "this Part".

m. In line 765, delete "and oversight".

n. In line 777, strike out "means".

o. In line 818, strike out "Educational" and insert "Education".

p. In line 881, strike out "platforms" and insert "platform".

q. In line 947 and lines 951-952 and lines 1002-1003, strike out "with the Department of Professional Regulation".

r. In line 997, replace "as amended by" with "see".

s. In line 1006, strike out "by the State of Illinois".

t. In lines 1019-1020, strike out "by the Illinois Department of Professional Regulation".

u. In lines 1044-1045, strike out "from the Illinois Department of Professional Regulation".

v. In line 1097, strike out "which" and insert "with a door that".

w. In line 1104, strike out the colon.

x. In line 1145, add an "s" to "Section".

y. In line 1151, strike out "Sections" and insert "Section".

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z. In lines 1158-1161, strike out the following:
"~~Unless otherwise stated in this Part, the supervisor must be on the premises if the person does not meet the assistant level (two year training program) qualifications specified in these definitions.~~"

aa. Other changes, not listed here, were made during the first notice in response to comments. However, the Department modified the rulemaking by deleting certain Sections in response to a JCAR Objection.

bb. Various editorial, grammatical and technical changes were made at the suggestion of JCAR and the Administrative Code Division.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR?

The Department has made all the changes to which it agreed with the Joint Committee.

13) Will this rulemaking replace an emergency rule currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rulemaking:

Section 330.270 ("Monitor and Receivership") is being amended to allow licensed nurses and nursing home administrators who do not have baccaleureate degrees to be used as monitors and receivers. The Department does not believe that a degree should be required if such persons are otherwise qualified to serve as monitors or receivers.

Changes to Section 330.330 ("Definitions") include:
the addition of definitions for the terms Child Care/Habilitation Aide; Developmental Disabilities (DD) Aide; Facility, Long-Term Care for Under 22 Years of Age; and Facility, Sheltered Care; the deletion of definitions for the terms Community Living Facility; Developmentally Disabled; Equivalent of a Graduate Licensed Practical Nurse; Facility, Community Living; House Manager; and Program Coordinator; amendment of the definitions of Cruelty and Indifference to Welfare of the Resident; Developmental Disability; Dietetic Service Supervisor; Facility, Intermediate Care for the Developmentally Disabled; Interdisciplinary Team; Personal Care; Social Worker, Qualified; Substantial; Substantial failure; Supervision; and Unit.
These changes are being made to achieve consistency among the four sets of rules implementing the Nursing Home Care Act.

16) Information and questions regarding these adopted amendments shall be directed to:

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Name: Ms. Gail DeVito
Address: Division of Governmental Affairs
Department of Public Health
535 West Jefferson, Fifth Floor
Springfield, Illinois 62761
Telephone: 217-782-6187

The full text of the Adopted Amendment begins on the next page:

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TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER c: LONG-TERM CARE FACILITIES

PART 330
SHELTERED CARE FACILITIES CODE

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TABLE A Disaster Preparedness Parameters -- Relative Humidity and Temperature

AUTHORITY: Implementing and authorized by the Nursing Home Care Act [210 ILCS 45].

SOURCE: Emergency rules adopted at 4 Ill. Reg. 10, p. 807, effective March 1, 1980, for a maximum of 150 days; adopted at 4 Ill. Reg. 30, p. 933, effective July 28, 1980; amended at 6 Ill. Reg. 5981, effective May 3, 1982; amended at 6 Ill. Reg. 8198, effective June 29, 1982; amended at 6 Ill. Reg. 14547, effective November 8, 1982; amended at 6 Ill. Reg. 14681, effective November 15, 1982; amended at 7 Ill. Reg. 1963, effective January 28, 1983; amended at 7 Ill. Reg. 6973, effective May 17, 1983; amended at 7 Ill. Reg. 15825, effective November 15, 1983; amended at 8 Ill. Reg. 15596, effective August 15, 1984; amended at 8 Ill. Reg. 15941, effective August 17, 1984; codified at 8 Ill. Reg. 19790; amended at 8 Ill. Reg. 24241, effective November 28, 1984; amended at 8 Ill. Reg. 24696, effective December 7, 1984; amended at 9 Ill. Reg. 2952, effective February 25, 1985; amended at 9 Ill. Reg. 10974, effective July 1, 1985; amended at 11 Ill. Reg. 16879, effective October 1, 1987; amended at 12 Ill. Reg. 1017, effective December 24, 1987; amended at 12 Ill. Reg. 16870, effective October 1, 1988; emergency amendment at 12 Ill. Reg. 18939, effective October 24, 1988, for a maximum of 150 days; emergency expired March 23, 1989; amended at 13 Ill. Reg. 6562, effective April 17, 1989; amended at 13 Ill. Reg. 19580, effective December 1, 1989; amended at 14 Ill. Reg. 14928, effective October 1, 1990; amended at 15 Ill. Reg. 516, effective January 1, 1991; amended at 16 Ill. Reg. 651, effective January 1, 1992; amended at 16 Ill. Reg. 14370, effective September 3, 1992; emergency amendment at 17 Ill. Reg. 2405, effective February 3, 1993, for a maximum of 150 days; emergency expired on July 3, 1993; emergency amendment at at 17 Ill. Reg. 8000, effective May 6,

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1993, for a maximum of 150 days; emergency expired on October 3, 1993; amended at 17 Ill. Reg. 15089, effective September 3, 1993; amended at 17 Ill. Reg. 16180, effective January 1, 1994; amended at 17 Ill. Reg. 19258, effective October 26, 1993; amended at 17 Ill. Reg. 19576, effective November 4, 1993; amended at 17 Ill. Reg. 21044, effective November 20, 1993; amended at 18 Ill. Reg. 1475, effective January 14, 1994; amended at 18 Ill. Reg. 15851, effective October 15, 1994; amended at 19 Ill. Reg. 11567, effective JUL 2 9 1995.

SUBPART A: GENERAL POLICIES

Section 330.270 Monitor and Receivership

a) ~~The Department may place an employee or agent to serve as a monitor in a facility when any of the following conditions exist:~~ *The Department may place an employee or agent to serve as a monitor in a facility when any of the following conditions exist:*
 1) *The facility is operating without a license;*
 2) *The Department has suspended, revoked or refused to renew the existing license of the facility;*
 3) *The facility is closing or has informed the Department that it intends to close and adequate arrangements for relocation of residents have not been made at least 30 days prior to closure;* or
 4) *The Department determines that an emergency exists, whether or not it has initiated revocation or nonrenewal procedures, if because of the unwillingness or inability of the licensee to remedy the emergency the Department believes a monitor is necessary.* As used in this subsection, *"emergency" means a threat to the health, safety or welfare of a resident that the facility is unwilling or unable to correct.* (Section 3-501 of the Act)

b) The monitor shall meet the following minimum requirements:
 1) be in good physical health as evidenced by a physical examination by a physician within the last year;
 2) have an understanding of the needs of ~~nursing home~~ long-term care facility residents as evidenced by one year of experience in working, as appropriate, with the elderly or developmentally disabled individuals in programs such as patient care, social work or advocacy;
 3) have an understanding of the Act and this Part which are the subject of the monitor's duties as evidenced in a personal interview of the candidate;
 4) not be related to the owners of the involved facility either through blood, marriage or common ownership of real or personal property except ownership of stock that is traded on a stock exchange;
 5) have successfully completed a baccalaureate degree or possess a

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nursing license or a nursing home administrator's license; and

6) have two years full-time work experience in the long-term care industry of the State of Illinois.

c) The monitor shall be under the supervision of the Department; shall perform the duties of a monitor delineated in Section 3-502 of the Act; and shall accomplish the following actions:

1) visit the facility ~~at least five days per week or~~ as directed by the Department;

2) review all records pertinent to the condition for such monitor's placement under subsection (a) of this Section;

3) provide to the Department ~~a weekly~~ written ~~report~~ and ~~a daily~~ oral ~~report~~ reports detailing the observed conditions of the facility; and

4) be available as a witness for hearings involving the condition for placement as monitor.

d) All communications, including but not limited to data, memoranda, correspondence, records and reports shall be transmitted to and become the property of the Department. In addition, findings and results of the monitor's work done under this Part shall be strictly confidential and not subject to disclosure without written authorization from the Department or by court order subject to disclosure only in accordance with the provisions of the Freedom of Information Act, subject to the confidentiality requirements of the Act.

e) The assignment as monitor may be terminated at any time by the Department.

f) Through consultation with the long-term care industry associations, professional organizations, consumer groups and health-care management corporations, the Department shall maintain a list of receivers. Preference on the list shall be given to individuals possessing a valid Illinois Nursing Home Administrator's License, experience in financial and operations management of a long-term care facility and individuals with access to consultative experts with the aforementioned experience. To be placed on the list, individuals must meet the following minimum requirements:

1) be in good physical and mental health as evidenced by a physical examination by a physician within the last year;

2) have an understanding of the needs of ~~nursing home~~ long-term care facility residents and the delivery of the highest possible quality of care as evidenced by one year of experience in working with ~~the~~ elderly or developmentally disabled individuals in programs such as patient care, social work, or advocacy;

3) have an understanding and working knowledge of the Act and this Part as evidenced by a personal interview of the candidate;

4) have successfully completed a baccalaureate degree or possess a nursing license or a nursing home administrator's license; and

5) have two years full-time working experience in the Illinois long-term care industry.

g) Upon appointment of a receiver for a facility by a court, the Department shall inform the individual of all legal proceedings to date which concern the facility.

h) The receiver may request that the Director of the Department authorize expenditures from monies appropriated, pursuant to Section 3-511 of the Act, if incoming payments from the operation of the facility are less than the cost incurred by the receiver.

i) In the case of Department ordered patient transfers, the receiver may:

1) assist in providing for the orderly transfer of all residents in the facility to other suitable facilities~~,~~ or make other provisions for their continued health;

2) assist in providing for transportation of the resident, his medical records and his belongings if he is transferred or discharged; assist in locating alternative placement; assist in preparing the resident for transfer; and permit the resident's legal guardian to participate in the selection of the resident's new location;

3) unless emergency transfer is necessary, explain alternative placements to the resident and provide orientation to the place chosen by the resident or resident's guardian.

j) *In any action or special proceeding brought against a receiver in the receiver's official capacity for acts committed while carrying out* the aforesaid *powers and duties, the receiver shall be considered a public employee under the Local Governmental and Governmental Employees Tort Immunity Act* ~~(Ill. Rev. Stat. 1991, ch. 85, par. 1-101 et seq.)~~ [745 ILCS 10]. *A receiver may be held liable in a personal capacity only for the receiver's own gross negligence, intentional acts or breach of fiduciary duty.* (Section 3-513 of the Act)

(Source: Amended at 19 Ill. Reg. 11567, effective JUL 2 9 1995)

Section 330.330 Definitions

The terms defined in this Section are terms that are used in one or more of the sets of licensing standards established by the Department to license various levels of long-term care. They are defined as follows:

Abuse - any physical or mental injury or sexual assault inflicted on a resident other than by accidental means in a facility. (Section 1-103 of the Act)

Abuse means:

Physical abuse refers to the infliction of injury on a resident that occurs other than by accidental means and that requires (whether or not actually given) medical attention.

Mental injury arises from the following types of conduct:

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Verbal abuse refers to the use by a licensee, employee or agent of oral, written or gestured language that includes disparaging and derogatory terms to residents or within their hearing or seeing distance, regardless of their age, ability to comprehend or disability.

Mental abuse includes, but is not limited to, humiliation, harassment, threats of punishment or deprivation, or offensive physical contact by a licensee, employee or agent.

Sexual harassment or sexual coercion perpetrated by a licensee, employee or agent.

Sexual Assault.

Access - the right to:

Enter any facility;

Communicate privately and without restriction with any resident who consents to the communication;

Seek consent to communicate privately and without restriction with any resident;

Inspect the clinical and other records of a resident with the express written consent of the resident;

Observe all areas of the facility except the living area of any resident who protests the observation. (Section 1-104 of the Act)

Act - as used in this Part, the Nursing Home Care Act ~~[Ill. Rev. Stat. 1991, ch. 111 1/2, para. 4151-101 et seq.]~~ [210 ILCS 45].

Activity Program - a specific planned program of varied group and individual activities geared to the individual resident's needs and available for a reasonable number of hours each day.

Adaptive Behavior - the effectiveness or degree with which the individual meets the standards of personal independence and social responsibility expected of his age and cultural group.

Addition - any construction attached to the original building which increases the area or cubic content of the building.

Adequate - enough in either quantity or quality, as determined by a reasonable person familiar with the professional standards of the

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subject under review, to meet the needs of the residents of a facility under the particular set of circumstances in existence at the time of review.

Administrative Warning - a notice to a facility issued by the Department under Section 330.277 of this Part and Section 3-303.2 of the Act, which indicates that a situation, condition, or practice in the facility violates the Act or the Department's rules, but is not a type A or type B violation.

Administrator - the person who is directly responsible for the operation and administration of the facility, irrespective of the assigned title. (See Licensed Nursing Home Administrator.)

Advocate - a person who represents the rights and interests of an individual as though they were the person's own, in order to realize the rights to which the individual is entitled, obtain needed services, and remove barriers to meeting the individual's needs.

Affiliate - means:

With respect to a partnership, each partner thereof.

With respect to a corporation, each officer, director and stockholder thereof.

With respect to a natural person: any person related in the first degree of kinship to that person; each partnership and each partner thereof of which that person or any affiliate of that person is a partner; and each corporation in which that person or any affiliate of that person is an officer, director or stockholder. (Section 1-106 of the Act)

Aide or Orderly - any person providing direct personal care, training or habilitation services to residents.

Alteration - any construction change or modification of an existing building which does not increase the area or cubic content of the building.

Ambulatory Resident - a person who is physically and mentally capable of walking without assistance, or is physically able with guidance to do so, including the ascent and descent of stairs.

Applicant - any person making application for a license. (Section 1-107 of the Act)

Appropriate - term used to indicate that a requirement is to be

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applied according to the needs of a particular individual or situation.

Assessment - the use of an objective system with which to evaluate the physical, social, developmental, behavioral, and psychosocial aspects of an individual.

Audiologist - a person who is certified or is eligible for a certificate of clinical competence in audiology granted by the American Speech and Hearing Association under its requirements in effect on the publication of this provision or meets the educational requirements for certification, and is in the process of accumulating the supervised experience required for certification.

Autism - ~~A~~ a syndrome described as consisting of withdrawal, very inadequate social relationships, exceptional object relationships, language disturbances and monotonously repetitive motor behavior; many children with autism will also be seriously impaired in general intellectual functioning; mental illness observed in young children characterized by severe withdrawal and inappropriate response to external stimulation.

Autoclave - an apparatus for sterilizing by superheated steam under pressure.

Auxiliary Personnel - all nursing personnel in intermediate care facilities and skilled nursing facilities other than licensed personnel.

Basement - when used in this Part, means any story or floor level below the main or street floor. Where due to grade difference, there are two levels each qualifying as a street floor, a basement is any floor below the level of the two street floors. Basements shall not be counted in determining the height of a building in stories.

Behavior Modification - treatment to be used to establish or change behavior patterns.

Cerebral Palsy - a disorder dating from birth or early infancy, nonprogressive, characterized by examples of aberrations of motor function (paralysis, weakness, incoordination) and often other manifestations of organic brain damage such as sensory disorders, seizures, mental retardation, learning difficulty and behavior disorders.

Certification for Title XVIII and XIX - the issuance of a document by the Department to the Department of Health and Human Services or the Department of Public Aid verifying compliance with applicable

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statutory or regulatory requirements for the purposes of participation as a provider of care and service in a specific Federal or State health program.

Charge Nurse - ~~a-charge-nurse is~~ a registered professional nurse or a licensed practical nurse in charge of the nursing activities for a specific unit or floor during a tour of duty.

Child Care/Habilitation Aide - any person who provides nursing, personal or rehabilitative care to residents of licensed Long-Term Care Facilities for Persons Under 22 Years of Age, regardless of title, and who is not otherwise licensed, certified or registered to render such care. Child Care/Habilitation aides must function under the supervision of a licensed nurse.

Community Alternatives - service programs in the community provided as an alternative to institutionalization.

~~Community-living-Facility---see-Facility,-Community-living.~~

Continuing Care Contract - a contract through which a facility agrees to supplement all forms of financial support for a resident throughout the remainder of the resident's life.

Contract - a binding agreement between a resident or the resident's guardian (or, if the resident is a minor, the resident's parent) and the facility or its agent.

Corporal Punishment - painful stimuli inflicted directly upon the body.

Cruelty and Indifference to Welfare of the Resident - failure to provide a resident with the care and supervision he requires; or, the infliction of mental or physical abuse. ~~Examples-of-physical-abuse are--restraining--a--resident,---striking,---slapping,---hitting,---or withholding--food--as--punishment.-----Examples--of--mental--abuse--are swearing,-threatening-and-seclusion.~~

Dentist - any person licensed by the State of Illinois to practice dentistry, includes persons holding a Temporary Certificate of Registration, as provided in the Illinois Dental Practice Act ~~[111.-Rev.-Stat.-1991,-ch.-111,-para.-2301-et-seq.]~~ [225 ILCS 25].

Department - as used in ~~these-standards~~ this Part means the Illinois Department of Public Health.

~~Developmentally---Disabled---those--individuals--whose--disability--is attributable-to-mental-retardation,-cerebral-palsy,-epilepsy,--autism,~~

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~~or other pathological conditions which generally originate before such individuals attain age 18, and that continue, or can be expected to continue, indefinitely, and which constitute a substantial functioning handicap to such individuals.~~

Developmental Disabilities (DD) Aide - any person who provides nursing, personal or habilitative care to residents of Intermediate Care Facilities for the Developmentally Disabled, regardless of title, and who is not otherwise licensed, certified or registered to render medical care. Other titles often used to refer to DD Aides include, but are not limited to, Program Aides, Program Technicians and Habilitation Aides. DD Aides must function under the supervision of a licensed nurse or a Qualified Mental Retardation Professional (QMRP).

~~Developmental Disability - a severe, chronic disability of a person which:~~

~~is attributable to a mental or physical impairment or combination of mental and physical impairments, or combination of mental and physical impairments;~~

~~is manifest before age 22;~~

~~is likely to continue indefinitely;~~

~~results in substantial functional limitations in three or more of the following areas of major life activities:~~

~~self care;~~

~~receptive and expressive language;~~

~~learning;~~

~~mobility;~~

~~self direction;~~

~~capacity for independent living; and~~

~~economic self sufficiency; and~~

~~reflects the person's needs for a combination and sequence of special, interdisciplinary or generic care, treatment, or other services which are of life long or extended duration and individually planned and coordinated.~~

Developmental Disability - means a severe, chronic disability of a person which:

is attributable to a mental or physical impairment or combination of mental and physical impairments, such as mental retardation, cerebral palsy, epilepsy, autism;

is manifested before the person attains age 22;

is likely to continue indefinitely;

results in substantial functional limitations in 3 or more of the following areas of major life activity:

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self-care,

receptive and expressive language,

learning,

mobility,

self-direction,

capacity for independent living, and

economic self-sufficiency; and

reflects the person's need for combination and sequence of special, interdisciplinary or generic care, treatment or other services which are of lifelong or extended duration and are individually planned and coordinated. (Section 3-801 of the Act)

Dietetic Service Supervisor - a person who:

is a qualified dietitian; or

is a graduate of a dietetic technician or dietetic assistant training program, corresponding or classroom, approved by the American Dietetic Association; or

is a graduate, prior to July 1, 1990, of a Department-approved course that ~~provides~~ provided 90 or more hours of classroom instruction in food service supervision and has had experience as a supervisor in a health care institution, which included consultation from a dietitian; or

has successfully completed a Dietary Manager's Association approved dietary managers course; or

is certified as a dietary manager by the Dietary Manager's Association; or

has training and experience in food service supervision and management in a military service equivalent in content to the ~~program~~ programs in ~~paragraph~~ paragraphs (2), ~~or~~ (3) or (4) of this definition.

Dietitian - a person who:

is eligible for registration by the American Dietetic Association; or

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has a baccalaureate degree with major studies in food and nutrition, dietetics, and food service management, has one year of supervisory experience in the dietetic service of a health care institution, and participates annually in continuing dietetic education.

Direct Supervision - ~~means--that~~ work ~~is~~ performed under the guidance and direction of a supervisor who is responsible for the work, who plans work and methods, who is available on short notice to answer questions and deal with problems that are not strictly routine, who regularly reviews the work performed, and who is accountable for the results.

Director - the Director of Public Health or ~~his~~ designee. (Section 1-110 of the Act)

Director of Nursing Service - the full-time Professional Registered Nurse who is directly responsible for the immediate supervision of the nursing services.

Discharge - the full release of any resident from a facility. (Section 1-111 of the Act)

Distinct Part - an entire, physically identifiable unit consisting of all of the beds within that unit and having facilities meeting the standards applicable to the levels of service to be provided. Staff and services for a distinct part are established as set forth in the respective regulations governing the levels of services approved for the distinct part.

Emergency - a situation, physical condition or one or more practices, methods or operations which present imminent danger of death or serious physical or mental harm to residents of a facility. (Section 1-112 of the Act)

Epilepsy - a chronic symptom of cerebral dysfunction, characterized by recurrent attacks, involving changes in the state of consciousness, sudden in onset, and of brief duration. Many attacks are accompanied by a seizure in which the person falls involuntarily.

~~Equivalent--of--a--Graduate--Licensed--Practical--Nurse---a---licensed practical--nurse,--licensed--by--waiver,--who--successfully-passes-the proficiency-examination-approved-by-the-U.S.-Department-of-Health--and Human--Services--shall--be--considered--the--equivalent--of-a-licensed practical-nurse-who-is-a-graduate-of-an-approved-school--of--practical nursing-for-the-purposes-of-this-Part.~~

Existing Long-Term Care Facility - any facility initially licensed as

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a health care facility or approved for construction by the Department, or any facility initially licensed or operated by any other agency of the State of Illinois, prior to March 1, 1980. Existing long-term care facilities shall meet the design and construction standards for existing facilities for the level of long-term care for which the license (new or renewal) is to be granted.

~~Facility,-Community-Living---a-place-of-residence-as-limited-in--these standards--for-between-five-and-80-ambulatory-adults-who-are-mildly-or moderately-mentally-retarded-with-a-potential-for-being-absorbed--into the-mainstream-of-community-life.~~

Facility, Intermediate Care - a facility which provides basic nursing care and other restorative services under periodic medical direction. Many of these services may require skill in administration. Such facilities are for residents who have long-term illnesses or disabilities which may have reached a relatively stable plateau.

Facility, Intermediate Care for the Developmentally Disabled - when used in this Part is a facility of three or more persons, or distinct part thereof, serving residents of which more than 50 percent are developmentally disabled. ~~Facilities-with-any--number--less--than--50 percent--of--developmentally-disabled-residents,-who-are-determined-by the-Department-with-consultation-from-the--Division--of--Developmental Disabilities,--Illinois--Department-of-Mental-Health-and-Developmental Disabilities-to-need-organized-social-support-and--training--programs, must-comply-with-the-program-requirements-in-this-Part.~~

Facility or Long-Term Care Facility - a private home, institution, building, residence, or any other place, whether operated for profit or not, or a county home for the infirm and chronically ill operated pursuant to Division 5-21 or 5-22 of the Counties Code ~~(Ill.--Rev. Stat.--1989,--ch.--34,--pars.-5-21001-et-seq.-and-5-22001-et-seq.)~~ [55 ILCS 5] *or any similar institution operated by a political subdivision of the State of Illinois, which provides, through its ownership or management, personal care, sheltered care or nursing for three or more persons, not related to the applicant or owner by blood or marriage. It includes skilled nursing facilities and intermediate care facilities as those terms are defined in Title XVIII and Title XIX of the Federal Social Security Act* (42 U.S.C.A. 1395 et seq. and ~~to~~ 1936 et seq.). A "facility" may consist of more than one building as long as the buildings are on the same tract, or adjacent tracts of land. However, there shall be no more than one "facility" in any one building. *"Facility" does not include the following:*

A home, institution, or other place operated by the federal government or agency thereof, or by the State of Illinois;

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A hospital, sanitarium, or other institution whose principal activity or business is the diagnosis, care, and treatment of human illness through the maintenance and operation as organized facilities therefor, which is required to be licensed under the Hospital Licensing Act ~~(Ill.-Rev.-Stat.-1991,-ch.-111-1/2,-par.-142-et-seq.)~~ [210 ILCS 85];

Any "facility for child care" as defined in the Child Care Act of 1969 ~~(Ill.-Rev.-Stat.-1991,-ch.-23,-par.-2211-et-seq.~~ [225 ILCS 10]~~)~~;

Any "community living facility" as defined in the Community Living Facilities Licensing Act ~~(Ill.--Rev.--Stat.--1991,--ch.-111-1/2,-par.-4181-et-seq.)~~ [210 ILCS 35];

Any "community residential alternative" as defined in the Community Residential Alternatives Licensing Act ~~(Ill.-Rev.-Stat.-1991,-ch.-91-1/2,-par.-621-et-seq.)~~ [210 ILCS 140];

Any nursing home or sanatorium operated solely by and for persons who rely exclusively upon treatment by spiritual means through prayer, in accordance with the creed or tenets of any well-recognized church or religious denomination. However, such nursing home or sanatorium shall comply with all local laws and rules relating to sanitation and safety;

Any facility licensed by the Department of Mental Health and Developmental Disabilities as a community-integrated living arrangement as defined in the Community-Integrated Living Arrangements Licensure and Certification Act ~~(Ill.-Rev.-Stat.-1991,-ch.-91-1/2,-par.-1701-et-seq.)~~ [210 ILCS 135]; or

Any supportive residence licensed under the Supportive Residences Licensing Act ~~(Ill.-Rev.-Stat.-1991,-ch.-111-1/2,-pars.--9001--et seq.)~~ [210 ILCS 65]. (Section 1-113 of the Act)

Facility, Long-Term Care, for Residents Under 22 Years of Age - when used in this Part is synonymous with a long-term care facility for residents under 22 years of age, which facility provides total habilitative health care to residents who require specialized treatment, training and continuous nursing care because of medical or developmental disabilities.

Facility, Sheltered Care - when used in this Part is synonymous with a sheltered care facility, which facility provides maintenance and personal care.

Facility, Skilled Nursing - when used in this Part is synonymous with

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a skilled nursing facility. A skilled nursing facility provides skilled nursing care, continuous skilled nursing observations, restorative nursing, and other services under professional direction with frequent medical supervision. Such facilities are provided for patients who need the type of care and treatment required during the post acute phase of illness or during recurrences of symptoms in long-term illness.

Financial Responsibility - having sufficient assets to provide adequate services such as: staff, heat, laundry, foods, supplies, and utilities for at least a two-month period of time.

Full time - **means** on duty a minimum of 36 hours, four days per week.

Goal - an expected result or condition that involves a relatively long period of time to achieve, that is specified in behavioral terms in a statement of relatively broad scope, and that provides guidance in establishing specific, short-term objectives directed toward its attainment.

Governing Body - the policy-making authority, whether an individual or a group, that exercises general direction over the affairs of a facility and establishes policies concerning its operation and the welfare of the individuals it serves.

Guardian - a person appointed as a guardian of the person or guardian of the estate, or both, of a resident under the Probate Act of 1975 ~~(Ill.--Rev.--Stat.--1991,-ch.-110-1/2,-par.-1-1-et-seq.)~~ [755 ILCS 5]. (Section 1-114 of the Act)

Habilitation - an effort directed toward the alleviation of a disability or toward increasing a person's level of physical, mental, social or economic functioning. Habilitation may include, but is not limited to, diagnosis, evaluation, medical services, residential care, day care, special living arrangements, training, education, sheltered employment, protective services, counseling and other services.

Health Services Supervisor - (Director of Nursing Service) the full-time Registered Nurse, or Licensed Practical Nurse, who is directly responsible for the immediate supervision of the health services in an Intermediate Care Facility.

Home for the Aged - any facility which is operated: by a not-for-profit corporation incorporated under, or qualified as a foreign corporation under the General Not For Profit Corporation Act of 1986 ~~(Ill.-Rev.-Stat.-1991,-ch.-32,-par.-101.01-et-seq.)~~ [805 ILCS 105]; or, by a county pursuant to Division 5-22 of the Counties Code ~~(Ill.-Rev.-Stat.-1991,-ch.-34,-par.-5-22001-et-seq.)~~ [55 ILCS 5]; or,

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pursuant to a trust or endowment established for nonprofit, charitable purposes; and which provides maintenance, personal care, nursing or sheltered care to three or more residents, 90 percent of whom are 60 or more years of age.

Hospitalization - the care and treatment of a person in a hospital as an in-patient.

~~House-Manager---a-qualified-person-on-duty-40-hours--a--week--managing the--Community--living--Facility-and-responsible-for-its-operation-and its-inhabitants.~~

Individual Education ~~Educational~~ Program (IEP) - a written statement for each resident that provides for specific education and related services. The Individual ~~Educational~~ Education Program may be incorporated into the Individual Habilitation Plan (IHP).

Individual Habilitation Plan (IHP) - a total plan of care that is developed by the interdisciplinary team for each resident, and that is developed on the basis of all assessment results.

Institutional Occupancy - when used in this Part means Health Care Facilities, Group (a), as defined in Chapter 10, paragraph 10-0001 of the Life Safety Code, National Fire Protection Association (1985 Edition).

Interdisciplinary Team - a group of persons that represents those professions, disciplines, or service areas that are relevant to identifying an individual's strengths and needs, and designs a program to meet those needs. This team shall include at least a physician, a social worker and other professionals. In Intermediate Care Facilities for the Developmentally Disabled ~~(ICF/DDs)~~ (ICF/DD) at least one member of the team shall be a Qualified Mental Retardation Professional. The Interdisciplinary Team includes the resident, the resident's guardian, the resident's primary service providers, including staff most familiar with the resident; and other appropriate professionals and caregivers as determined by the resident's needs. The resident or his or her guardian may also invite other individuals to meet with the Interdisciplinary Team and participate in the process of identifying the resident's strengths and needs.

Licensed Nursing Home Administrator - a person who is charged with the general administration and supervision of a facility and licensed under the Nursing Home Administrators Licensing and Disciplinary Act ~~(Ill.-Rev.-Stat.-1991,-ch.-111,-par.-3651-et-seq.)~~ [225 ILCS 70].

Licensed Practical Nurse - a person with a valid Illinois license to practice as a practical nurse.

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Licensee - the person or entity licensed to operate the facility as provided under the Act. (Section 1-115 of the Act)

Life Care Contract - a contract through which a facility agrees to provide maintenance and care for a resident throughout the remainder of the resident's life.

Maintenance - food, shelter, and laundry services. (Section 1-116 of the Act)

Maladaptive Behavior - impairment in adaptive behavior as determined by a clinical psychologist or by a physician. Impaired adaptive behavior may be reflected in delayed maturation, reduced learning ability or inadequate social adjustment.

Medical Record Practitioner - a person who: is eligible for certification as a registered record administrator (RRA) or an accredited record technician (ART), by the American Medical Record Association under its requirements; or is a graduate of a school of medical record science that is accredited jointly by the American Medical Association and the American Medical Record Association.

Mentally Retarded and Mental Retardation - subaverage general intellectual functioning originating during the developmental period and associated with maladaptive behavior.

Misappropriation of Property - using a resident's cash, clothing, or other possessions without authorization by the resident or the resident's authorized representative; failure to return valuables after a resident's discharge; or failure to refund money after death or discharge when there is an unused balance in the resident's personal account.

Mobile Nonambulatory - unable to walk independently or without assistance, but able to move from place to place with the use of a device ~~devices~~ such as a walker ~~walkers~~, crutches, a wheelchair ~~wheelchairs~~, or a wheeled platform ~~platforms~~.

Mobile Resident - any resident who is able to move about either independently or with the aid of an assistive ~~devices~~ device such as a walker ~~walkers~~, crutches, a wheelchair ~~wheelchairs~~, or a wheeled ~~platforms~~ platform.

Monitor - a qualified person placed in a facility by the Department to observe operations of the facility, assist the facility by advising it on how to comply with the State regulations, and who reports periodically to the Department on the operations of the facility.

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Neglect - a failure in a facility to provide adequate medical or personal care or maintenance, which failure results in physical or mental injury to a resident or in the deterioration of a resident's physical or mental condition. (Section 1-117 of the Act) Neglect means~~:~~ the ~~The~~ failure to provide adequate medical or personal care or maintenance, which failure results in physical or mental injury to a resident or in the deterioration of a resident's physical or medical condition. This shall include any allegation where:

the alleged failure causing injury or deterioration is ongoing or repetitious; or

a resident required medical treatment as a result of the alleged failure; or

the failure is alleged to have caused a noticeable negative impact on a resident's health, behavior or activities for more than 24 hours.

New Long-Term Care Facility - any facility initially licensed as a health care facility by the Department, or any facility initially licensed or operated by any other agency of the State of Illinois, on or after March 1, 1980. New long-term care facilities shall meet the design and construction standards for new facilities for the level of long-term care for which the license (new or renewal) is to be granted.

Normalization - the principle of helping individuals to obtain an existence as close to normal as possible, by making available to them patterns and conditions of everyday life that are as close as possible to the norms and patterns of the mainstream of society.

Nurse - a registered nurse or a licensed practical nurse as defined in the Illinois Nursing Act of 1987 ~~(Ill. Rev. Stat. 1991, ch. 111, para. 3501 et seq.)~~ [225 ILCS 65]. (Section 1-118 of the Act)

Nursing Assistant - ~~Any~~ any person who provides nursing care or personal care to residents of licensed long-term care facilities, regardless of title, and who is not otherwise licensed, certified or registered by the Department of Professional Regulation to render medical care. Other titles often used to refer to nursing assistants include, but are not limited to, nurse's aide, orderly and nurse technician. Nursing assistants must function under the supervision of a licensed nurse.

Nursing Care - a complex of activities which carries out the diagnostic, therapeutic, and rehabilitative plan as prescribed by the physician; care for the resident's environment; observing symptoms and

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reactions and taking necessary measures to carry out nursing procedures involving understanding of cause and effect in order to safeguard life and health.

Nursing Unit - a physically identifiable designated area of a facility consisting of all the beds within the designated area, but having no more than 75 beds, none of which are more than 120 feet from the nurse's station.

Objective - an expected result or condition that involves a relatively short period of time to achieve, that is specified in behavioral terms, and that is related to the achievement of a goal.

Occupational Therapist, Registered (OTR) - a person who is registered ~~with the Department of Professional Regulation~~ as an occupational therapist under the Illinois Occupational Therapy Practice Act ~~(Ill. Rev. Stat. 1991, ch. 111, par. 3701 et seq.)~~ [225 ILCS 75].

Occupational Therapy Assistant - a person who is registered ~~with the Department of Professional Regulation~~ as a certified occupational therapy assistant under the Illinois Occupational Therapy Practice Act.

Operator - the person responsible for the control, maintenance and governance of the facility, its personnel and physical plant.

Other Resident Injury - occurs where a resident is alleged to have suffered physical or mental harm and the allegation does not fall within the definition of abuse or neglect.

Oversight - general watchfulness and appropriate reaction ~~action~~ to meet the total needs of the residents, exclusive of nursing or personal care. Oversight shall include, but is not limited to, social, recreational and employment opportunities for residents who, by reason of mental disability, or in the opinion of a licensed physician, are in need of residential care.

Owner - the individual, partnership, corporation, association or other person who owns a facility. In the event a facility is operated by a person who leases the physical plant, which is owned by another person, "owner" means the person who operates the facility, except that if the person who owns the physical plant is an affiliate of the person who operates the facility and has significant control over the day-to-day operations of the facility, the person who owns the physical plant shall incur jointly and severally with the owner all liabilities imposed on an owner under the Act. (Section 1-119 of the Act)

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Person - any individual, partnership, corporation, association, municipality, political subdivision, trust, estate or other legal entity whatsoever.

Personal Care - assistance with meals, dressing, movement, bathing, or other personal needs, or maintenance, or general supervision and oversight of the physical and mental well-being of an individual, ~~exclusive of nursing,~~ who ~~because of age, physical or mental disability, emotional or behavior disorder, or mental retardation~~ is incapable of maintaining a private, independent residence, or who is incapable of managing his person, whether or not a guardian has been appointed for such individual. (Section 1-120 of the Act)

Pharmacist, Registered - a person who holds a certificate of registration as a registered pharmacist, a local registered pharmacist or a registered assistant pharmacist under the Pharmacy Practice Act of 1987 ~~(Ill. Rev. Stat. 1991, ch. 111, pars. 4121 et seq.)~~ [225 ILCS 85].

Physical Therapist Assistant - a person who has graduated from a two year college level program approved by the American Physical Therapy Association.

Physical Therapist - a person who is registered ~~with the Department of Professional Regulation~~ as a physical therapist under the Illinois Physical Therapy Act ~~(Ill. Rev. Stat. 1991, ch. 111, par. 4251 et seq.)~~ [225 ILCS 90].

Physician - any person licensed ~~by the State of Illinois~~ to practice medicine in all its branches as provided in the Medical Practice Act of 1987 ~~(Ill. Rev. Stat. 1991, ch. 111, pars. 4400-1 et seq.)~~ [225 ILCS 60].

Probationary License - an initial license issued for a period of 120 days during which time the Department will determine the qualifications of the applicant.

~~Program Coordinator - a qualified person directly responsible for the overall program, operation and management of a Community Living Facility.~~

Psychiatrist - a physician who has had at least three years of formal training or primary experience in the diagnosis and treatment of mental illness.

Psychologist - a person who is licensed ~~by the Illinois Department of Professional Regulation~~ to practice clinical psychology under the Clinical Psychologist Licensing Act ~~(Ill. Rev. Stat. 1991, ch. 111, par. 5351 et seq.)~~ [225 ILCS 15].

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Qualified Mental Retardation Professional - a person who has at least one year of experience working directly with individuals with developmental disabilities and meets at least one of the following additional qualifications:

Be a physician as defined in this Section.

Be a registered nurse as defined in this Section.

Hold at least a bachelor's degree in one of the following fields: occupational therapy, physical therapy, psychology, social work, speech or language pathology, recreation (or a recreational specialty area such as art, dance, music, or physical education), dietary services or dietetics, or a human services field (such as sociology, special education, or rehabilitation counseling).

Qualified Professional - a person who meets the educational, technical and ethical criteria of a health care profession, as evidenced by eligibility for membership in an organization established by the profession for the purpose of recognizing those persons who meet such criteria; and who is licensed, registered, or certified by the State of Illinois, if required.

Reasonable Visiting Hours - any time between the hours of 10 A.M. and 8 P.M. daily. (Section 1-121 of the Act)

Registered Nurse - a person with a valid Illinois license ~~from the Illinois Department of Professional Regulation~~ to practice as a registered professional nurse under the Illinois Nursing Act of 1987.

Repeat Violation - For purposes of assessing fines under Section 3-305 of the Act, a violation that has been cited during one inspection of the facility for which a subsequent inspection indicates that *an accepted plan of correction was not complied with,* within a period of not more than twelve months from the issuance of the initial violation. *A repeat violation shall not be a new citation of the same rule, unless the licensee is not substantially addressing the issue routinely throughout the facility.* (Section 3-305(7) of the Act)

Reputable Moral Character - having no history of a conviction of the applicant, or if the applicant is a firm, partnership, or association, of any of its members, or of a corporation, of any of its officers, or directors, or of the person designated to manage or supervise the facility, of a felony, or of two or more misdemeanors involving moral turpitude, as shown by a certified copy of the record of the court of

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conviction, or in the case of the conviction of a misdemeanor by a court not of record, as shown by other evidence; or other satisfactory evidence that the moral character of the applicant, or manager, or supervisor of the facility is not reputable.

Resident - person residing in and receiving personal care from a facility. (Section 1-122 of the Act)

Resident Services Director - the full-time administrator, or an individual on the professional staff in the facility, who is directly responsible for the coordination and monitoring of the residents' overall plans of care in an intermediate care facility.

Resident's Representative - a person other than the owner, or an agent or employee of a facility not related to the resident, designated in writing by a resident to be his representative, or the resident's guardian, or the parent of a minor resident for whom no guardian has been appointed. (Section 1-123 of the Act)

Restorative Care - a health care process designed to assist residents to attain and maintain the highest degree of function of which they are capable (physical, mental, and social).

Restraint of a Resident - the application of a device to limit movements.

Room - a part of the inside of a facility that is partitioned continuously from floor to ceiling with openings closed with glass or hinged doors.

Safety Device - any equipment or protective device used on a bed, chair, or resident which prevents him from falling or otherwise injuring himself. Examples are: bedside rails; geriatric or adaptive chairs; a wide band, vest or sheet applied to prevent falling out of a bed or chair; and hand socks applied to prevent injuring one's self.

Sanitization - the reduction of pathogenic organisms on a utensil surface to a safe level, which is accomplished through the use of steam, hot water, or chemicals.

Satisfactory - same as adequate.

Seclusion - the retention of a resident alone in a room with a door that ~~which~~ the resident cannot open.

Self Preservation - the ability to follow directions and recognize impending danger or emergency situations and react by avoiding or leaving the unsafe area.

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Sheltered Care - maintenance and personal care. (Section 1-124 of the Act)

Social Worker, Qualified - a person who~~:~~ is a licensed social worker or a licensed clinical social worker under the Clinical Social Work and Social Work Practice Act ~~(Ill. Rev. Stat. 1991, ch. 111, par. 6351 et seq.)~~ [225 ILCS 20]~~:~~. ~~and~~

~~is a graduate of a school of social work which has been approved by the Council on Social Work Education (some schools are approved for Bachelor's Degree programs and others for Master's Degree programs); and~~

~~has one year of social work experience in a health care setting.~~

State Fire Marshal - the Fire Marshal of the Office of the State Fire Marshal, Division of Fire Prevention.

Sterilization - the act or process of destroying completely all forms of microbial life, including viruses.

Stockholder of a Corporation - any person who, directly or indirectly, *beneficially owns, holds or has the power to vote, at least five percent of any class of securities issued by the corporation.* (Section 1-125 of the Act)

Story - when used in this Part means that portion of a building between the upper surface of any floor and the upper surface of the floor above except that the topmost story shall be the portion of a building between the upper surface of the topmost floor and the upper surface of the roof above.

Student Intern - means any person whose total term of employment in any facility during any 12-month period is equal to or less than 90 continuous days, and whose term of employment is either:

an academic credit requirement in a high school or undergraduate institution, or

immediately succeeds a full quarter, semester or trimester of academic enrollment in either a high school or undergraduate institution, provided that such person is registered for another full quarter, semester or trimester of academic enrollment in either a high school or undergraduate institution which quarter, semester or trimester will commence immediately following the term of employment. (Section 1-125.1 of the Act)

Substantial Compliance - meeting requirements except for variance from the strict and literal performance~~, which~~ that results in unimportant omissions or defects given the particular circumstances involved.

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This definition is limited to the phrase as used in Sections ~~Section 330.280(g)(8), 330.280(k)(2) and 330.280(k)(4).~~ 330.140(a)(3) and 330.150(a)(3).

Substantial ~~failure~~ Failure - the failure to meet requirements other than a variance from the strict and literal performance~~, which~~ that results in unimportant omissions or defects given the particular circumstances involved. This definition is limited to the phrase as used in Section ~~Sections 330.100(b)(1) and 330.260(f)~~ 330.165(b)(1).

Sufficient - ~~Same~~ same as adequate.

Supervision - authoritative procedural guidance by a qualified person for the accomplishment of a function or activity within his sphere of competence, with initial direction and periodic inspection of the actual act of accomplishing the function or activity. ~~Unless otherwise stated in this Part, the supervisor must be on the premises if the person does not meet assistant level (two year training program) qualifications specified in these definitions.~~

Therapeutic Recreation Specialist - a person who is certified by the National Council for Therapeutic Recreation Certification and who meets the minimum standards it has established for classification as a Therapeutic Recreation Specialist.

Time Out - removing an individual from a situation that results in undesirable behavior. It is a behavior modification procedure which is developed and implemented under the supervision of a qualified professional.

Title XVIII - Title XVIII of the Federal Social Security Act as now or hereafter amended. (Section 1-126 of the Act)

Title XIX - Title XIX of the Federal Social Security Act as now or hereafter amended. (Section 1-127 of the Act)

Transfer - a change in status of a resident's living arrangements from one facility to another facility. (Section 1-128 of the Act)

Type A Violation - a violation of the Act or of the rules promulgated thereunder which creates a condition or occurrence relating to the operation and maintenance of a facility presenting a substantial probability that death or serious mental or physical harm to a resident will result therefrom. (Section 1-129 of the Act)

Type B Violation - a violation of the Act or of the rules promulgated thereunder which creates a condition or occurrence relating to the operation and maintenance of a facility directly threatening to the

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health, safety or welfare of a resident. (Section 1-130 of the Act)

Unit - an entire physically identifiable residence area~~, in Community living Facilities consisting of not less than five nor more than 20 beds, and~~ having facilities meeting the standards applicable to the levels of service to be provided. Staff and services for each distinct resident area are established as set forth in the respective rules governing the approved levels of service.

Universal Progress Notes - a common record with periodic narrative documentation by all persons involved in resident care.

Valid License - a license which is unsuspended, unrevoked and unexpired.

(Source: Amended at 19 Ill. Reg. 11567, effective JUL 29 1995)

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1) Heading of the Part: Skilled Nursing and Intermediate Care Facilities Code

2) Code Citation: 77 Ill. Adm. Code 300

3) Section Numbers: Adopted Action:

300.200	Amendments
300.270	Amendments
300.330	Amendments
300.1620	Amendments

4) Statutory Authority: Nursing Home Care Act 210 ILCS 45

5) Effective Date of Rulemaking: July 29, 1995

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain incorporations by reference? No

8) Date Filed in Agency's Principal Office: July 29, 1995

9) Notice of Proposal Published in Illinois Register: July 29, 1994 - 18 Ill. Reg. 11873

10) Has JCAR issued a Statement of Objections to these rules? Yes

If "yes," please complete the following:

A) Statement of Objection: AUG 11 1995, 19 Ill. Reg. 11669

B) Agency Response: AUG 11 1995, 19 Ill. Reg. 11662

C) Date Agency Response Submitted for Approval to the Joint Committee: July 27, 1995

11) Difference(s) between proposal and final version: The following changes were made in response to comments received during the first notice or public comment period:

1. In line 285, change "Shall" to "shall".

2. In line 300, strike out "Rules -" and insert "Code".

3. In line 301, strike out the period after "1126" and insert a period, underlined, after the first closing parenthesis.

4. In line 319, strike out "AND" and insert "and".

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5. In lines 334 and 339, replace "as added by" with "see".

6. In line 369, strike out "reasonable" and insert "reasonably".

7. In line 388, and "." at the end.

8. In line 406, add ", as appropriate," after "working".

9. In line 493, strke out "THE AFORESAID" and insert "the aforesaid".

10. In line 512, add a closing paren underlined ")" after "given".

11. In line 668, strike out "by the State of Illinois".

12. Close up space between lines 710 and 711.

13. In lines 758-763, strike out all existing language in the definition of "Direct Care Aide" and delete added (underlined) language.

14. In line 931, replace the underlined colon with an underlined semi-colon.

15. In lines 1069 and 1073-1074, strike out "with the Department of Professional Regulations".

16. In line 1071, strike out "par." and insert "pars."

17. In line 1102, strike out the comma after "needs".

18. In line 1104, delete the underlined comma after "who".

19. In lines 1124-1125, strike out "with the Department of Professional Regulation".

20. In line 1128, strike out "by the State of Illinois".

21. In lines 1144-1145, strike out "by the Illinois Department of Professional Regulation".

22. In line 1169, strike out "Illinois" and "from the".

23. In line 1170, strike out "Illinois Department of Professional Regulation".

24. In line 1222, strike out "which" and insert "with a door that".

25. In line 1229, strike out the colon.

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26. In lines 1283-1286, strike out as follows:

~~"Unless otherwise stated in this Part, the supervisor must be on the premises if the person does not meet assistant level (two year training program) qualifications specified in these definitions."~~

27. In line 1333, replace "more" with "move".

Other changes, not listed here, were made during the first notice in response to comments. However, the Department modified the rulemaking by deleting certain Sections in response to a JCAR Objection.

Various editorial, grammatical and technical changes were made at the suggestion of JCAR and the Administrative Code Division.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? No. The Department has made all the changes to which it agreed with the Joint Committee.

13) Will this rulemaking replace an emergency rule currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rulemaking: Section 300.200 ("Inspections, Surveys, Evaluations and Consultation") is being amended in response to Public Act 88-278 (Hourse Bill 1488) - effective August 10, 1993. Public Act 88-278 amended the Nursing Home Care Act to state that the Department is not required to determine whether a certified facility that has been determined by inspection to be in compliance with federal certification requriements is in compliance with requirements under the Nursing Home Care Act that are less stringent than or duplicate federal requirements. In effect, the change in the law allows the Department to do one survey for certification and convert the certification findings into licensure enforcement remedies. The changes to Section 300.200 will implement this procedure, which will more effectively use staff time and decrease paperwork.

Section 300.270 ("Monitor and Receivership") is being amended to allow licensed nurses and nursing home administrators who do not have baccaleureate degrees to be used as monitors and receivers. The Department does not believe that a degree should be required if such persons are otherwise qualified to serve as monitors or receivers.

Changes to Section 300.330 ("Definitions") include: the addition of definitions for the terms Child Care Habilitation Aide; Developmental Disabilities (DD) Aide; and Facility, Long-Term Care, for Residents Under 22 Years of Age; Facility, Sheltered Care; the deletion of the definitions of Community Living Facility; Developmentally Disabled; Direct Care Aide;

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Equivalent of a Graduate Licensed Practical Nurse; Facility, Community Living; House Manager; Program Coordinator; and Program Unit; the amendment of the definitions of Cruelty and Indifference to Welfare of the Resident; Developmental Disability; Dietetic Service Supervisor; Facility, Intermediate Care for the Developmentally Disabled; Interdisciplinary Team; Personal Care; Social Worker, Qualified; Substantial; Substantial failure; and Unit. These changes are being made to achieve consistency among the four sets of rules implementing the Nursing Home Care Act.

Section 300.1620 is amended to change the time period during which telephone orders must be countersigned by a physician from five to ten days, at the request of the physician member of the Long-Term Care Facility Advisory Board.

16) Information and questions regarding these adopted amendments shall be directed to:

Ms. Gail DeVito, Division of Governmental Affairs,
Department of Public Health,
535 West Jefferson, Fifth Floor,
Springfield, IL 62761
(217) 782-6187.

The full text of the Adopted Amendment begins on the next page:

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TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER c: LONG-TERM CARE FACILITIES

PART 300
SKILLED NURSING AND INTERMEDIATE CARE FACILITIES CODE

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300.120 Application for License
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TABLE D Disaster Preparedness Parameters - Relative Humidity and Temperature

AUTHORITY: Implementing and authorized by the Nursing Home Care Act [210 ILCS 45].

SOURCE: Emergency rules adopted at 4 Ill. Reg. 10, p. 1066, effective March 1, 1980, for a maximum of 150 days; adopted at 4 Ill. Reg. 30, p. 311, effective July 28, 1980; emergency amendment at 6 Ill. Reg. 3229, effective March 8, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 5981, effective May 3, 1982; amended at 6 Ill. Reg. 6454, effective May 14, 1982; amended at 6 Ill. Reg. 8198, effective June 29, 1982; amended at 6 Ill. Reg. 11631, effective September 14, 1982; amended at 6 Ill. Reg. 14550 and 14554, effective November 8, 1982; amended at 6 Ill. Reg. 14684, effective November 15, 1982; amended at 7 Ill. Reg. 285, effective December 22, 1982; amended at 7 Ill. Reg. 1972, effective January 28, 1983; amended at 7 Ill. Reg. 8579, effective July 11, 1983; amended at 7 Ill. Reg. 15831, effective November 10, 1983; amended at 7 Ill. Reg. 15864, effective November 15, 1983; amended at 7 Ill. Reg. 16992, effective December 14, 1983; amended at 8 Ill. Reg. 15599, 15603, and 15606, effective August 15, 1984; amended at 8 Ill. Reg. 15947, effective August 17, 1984; amended at 8 Ill. Reg. 16999, effective September 5, 1984; codified at 8 Ill. Reg. 19766; amended at 8 Ill. Reg. 24186, effective November 29, 1984; amended at 8 Ill. Reg. 24668, effective December 7, 1984; amended at 8 Ill. Reg. 25102, effective December 14, 1984; amended at 9 Ill. Reg. 132, effective December 26, 1984; amended at 9 Ill. Reg. 4087, effective March 15, 1985; amended at 9 Ill. Reg. 11049, effective July 1, 1985; amended at 11 Ill. Reg. 16927, effective October 1, 1987; amended at 12 Ill. Reg. 1052, effective December 24, 1987; amended at 12 Ill. Reg. 16811, effective October 1, 1988; emergency amendment at 12 Ill. Reg. 18477, effective October 24, 1988, for a

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maximum of 150 days; emergency expired March 23, 1989; amended at 13 Ill. Reg. 4684, effective March 24, 1989; amended at 13 Ill. Reg. 5134, effective April 1, 1989; amended at 13 Ill. Reg. 20089, effective December 1, 1989; amended at 14 Ill. Reg. 14950, effective October 1, 1990; amended at 15 Ill. Reg. 554, effective January 1, 1991; amended at 16 Ill. Reg. 681, effective January 1, 1992; amended at 16 Ill. Reg. 5977, effective March 27, 1992; amended at 16 Ill. Reg. 17089, effective November 3, 1992; emergency amendment at 17 Ill. Reg. 2420, effective February 3, 1993, for a maximum of 150 days; emergency expired on July 3, 1993; emergency amendment at 17 Ill. Reg. 8026, effective May 6, 1993, for a maximum of 150 days; emergency expired on October 3, 1993; amended at 17 Ill. Reg. 15106, effective September 3, 1993; amended at 17 Ill. Reg. 16194, effective January 1, 1994; amended at 17 Ill. Reg. 19279, effective October 26, 1993; amended at 17 Ill. Reg. 19604, effective November 4, 1993; amended at 17 Ill. Reg. 21058, effective November 20, 1993; amended at 18 Ill. Reg. 1491, effective January 14, 1994; amended at 18 Ill. Reg. 15868, effective October 15, 1994; amended at 19 Ill. Reg. 11600, effective JUL 29 1995.

SUBPART A: GENERAL PROVISIONS

Section 300.200 Inspections, Surveys, Evaluations and Consultation

The terms survey, inspection and evaluation are synonymous. These terms refer to the overall examination of compliance with the Act and this Part.

a) All facilities to which this Part applies shall be subject to and shall be deemed to have given consent to annual inspections, surveys or evaluations by properly identified personnel of the Department, or by such other properly identified persons, including local health department staff, as the Department may designate. *An inspection, survey or evaluation, other than an inspection of financial records, ~~shall be unannounced.~~ shall be conducted without prior notice to the facility. A visit for the sole purpose of ~~Consultations~~ consultation may be announced.* The licensee, or person representing the licensee in the facility, shall provide to the representative of the Department access and entry to the premises or facility for obtaining information required to carry out ~~this~~ the Act and this Part. ~~*In addition, representatives of the Department*~~ In addition, representatives of the Department *shall have access to and may reproduce or photocopy at ~~the Department's~~ its cost any books, records, and other documents maintained by the facility, ~~the licensee or their representatives~~* the licensee or their representatives *to the extent necessary to carry out ~~the Act and this Part~~* and this Part. A facility may charge the Department for such photocopying at a rate determined by the facility not to exceed the rate in the Department's Freedom of Information Code ~~Rules~~ (2 Ill. Adm. Code 1126~~.~~). Sections 3-212 and 3-213 of the Act)

b) ~~*Before making*~~ *In determining whether to make more than the required number of unannounced inspections, surveys and evaluations of a facility, the Department shall ~~have taken into account~~ consider one or*

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more of the following ~~criteria~~:

1) *previous inspection reports;*
2) *the facility's history of compliance with ~~the Act~~* the Act and this Part:
 A) *~~prior~~ correction of violations;*
 B) *~~prior~~ penalties or other enforcement actions;*
 ~~C) number and severity of prior complaints;~~
3) *the number and severity of ~~current~~ complaints* received about the facility;
4) *any allegations of resident abuse or neglect;*
5) ~~*compliance with disaster preparedness provisions under the Act*~~ *weather conditions;*
6) *health emergencies;*
~~6~~7) *other reasonable belief that deficiencies ~~regarding the Act~~ exist;* and ~~*and*~~
~~7~~8) requirements pursuant to the "1864 Agreement" (42 U.S.C.A. 1395aa) between the Department and U.S. Health and Human Services (HHS) (e.g., annual and follow-up certification inspections, life safety code inspections and any inspections requested by the secretary of HHS). (Section 3-212(b) of the Act)

c) *The Department shall not be required to determine whether a facility certified to participate in the Medicare program under Title XVIII of the Social Security Act, or the Medicaid Program under Title XIX of the Social Security Act, and which the Department determines by inspection to be in compliance with the certification requirements of Title XVIII or XIX, is in compliance with any requirement of* the *Act that is less stringent than or duplicates a federal certification requirement.* (Section 3-212(b-1) of the Act, see P.A. 88-278, effective August 10, 1993)

d) *The Department shall,* in accordance with Section 3-212(a) of the Act, *determine whether a certified facility is in compliance with requirements of* the *Act that exceed federal certification requirements.* (Section 3-212(b-1) of the Act, see P.A. 88-278, effective August 10, 1993)

e) *If a certified facility is found to be out of compliance with federal certification requirements, the results of the inspection conducted pursuant to Title XVIII or XIX of the Social Security Act* (Section 3-212(b-1) of the Act, see P.A. 88-278, effective August 10, 1993) shall be reviewed to determined which, if any, of the results shall be considered licensure findings, as follows:
 1) The result identifies potential violations of the Nursing Home Care Act and this Part; and
 2) The result, based on available information, would likely represent a Type A or Type B violation if tested against the factors described in Sections 300.272 and 300.274.

f) All results of an inspection conducted pursuant to Title XVIII or XIX of the Social Security Act that the Department considers licensure findings shall be provided to the facility at the time of exit or by

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mail in accordance with subsection (g) of this Section.

~~e~~g) *Upon the completion of each inspection, survey and evaluation, the ~~representative of the~~ appropriate Department personnel who conducted the inspection, survey or evaluation shall submit a copy of their report to the licensee ~~or their representative,~~* or their representative *upon exiting the facility* or upon considering results of an inspection conducted pursuant to Title XVIII or XIX of the Social Security Act as licensure findings. A copy of the information gathered during a complaint investigation will not be provided upon exiting the facility. *Comments or documentation provided by the licensee which may refute findings in the report, which explain extenuating circumstances that the facility could not reasonably ~~reasonable~~ have prevented, or which indicate methods and timetables for correction of deficiencies described in the report shall be provided to the Department within ten days of receipt of the copy of the report.* (Section 3-212(c) of the Act)

~~d~~h) Consultation consists of providing advice or suggestions to the staff of a facility at their request relative to specific matters of the scope of regulation, methods of compliance with the Act or this Part, or general matters of patient care.

(Source: Amended at 19 Ill. Reg. 11600, effective JUL 29 1995)

Section 300.270 Monitor and Receivership

a) *The Department may place an employee or agent to serve as a monitor in a facility when any of the following conditions exist:*
 1) *The facility is operating without a license;*
 2) *The Department has suspended, revoked or refused to renew the existing license of the facility;*
 3) *The facility is closing or has informed the Department that it intends to close and adequate arrangements for relocation of residents have not been made at least 30 days prior to closure;*
 4) *The Department determines that an emergency exists, whether or not it has initiated revocation or nonrenewal procedures, if because of the unwillingness or inability of the licensee to remedy the emergency the Department believes a monitor is necessary;* as used in this subsection, *"emergency" means a threat to the health, safety or welfare of a resident that the facility is unwilling or unable to correct;* or
 5) The Department receives notification that *the facility is terminated or will not be renewed for participation in the federal reimbursement program under either Title XVIII* (Medicare) *~~(Medicaid)~~ or Title XIX* (Medicaid) *~~(Medicare)~~ of the Social Security Act.* (Section 3-501 of the Act)

b) The monitor shall meet the following minimum requirements:
 1) be in good physical health as evidenced by a physical examination by a physician within the last year;
 2) have an understanding of the needs of ~~nursing home~~ long-term care facility residents as evidenced by one year of experience in working, as appropriate, with ~~the~~ elderly or developmentally disabled individuals in programs such as patient care, social work, or advocacy;
 3) have an understanding of the Act and this Part which are the subject of the monitors' duties as evidenced in a personal interview of the candidate;
 4) not be related to the owners of the involved facility either through blood, marriage or common ownership of real or personal property except ownership of stock that is traded on a stock exchange;
 5) have successfully completed a baccalaureate degree or possess a nursing license or a nursing home administrator's license; and
 6) have two years full-time work experience in the long-term care industry of the State of Illinois.

c) The monitor shall be under the supervision of the Department; shall perform the duties of a monitor delineated in Section 3-502 of the Act; and shall accomplish the following actions:
 1) visit the facility ~~at least five days per week or~~ as directed by the Department;
 2) review all records pertinent to the condition for such monitor's placement under subsection (a) of this Section;
 3) provide to the Department ~~a weekly~~ written ~~report~~ and ~~a daily~~ oral ~~report~~ reports detailing the observed conditions of the facility; and
 4) be available as a witness for hearings involving the condition for placement as monitor.

d) All communications, including but not limited to data, memoranda, correspondence, records and reports shall be transmitted to and become the property of the Department. In addition, findings and results of the monitor's work done under this Part shall be strictly confidential and not subject to disclosure without written authorization from the Department or by court order subject to disclosure only in accordance with the provisions of the Freedom of Information Act, subject to the confidentiality requirements of the Act.

e) The assignment as monitor may be terminated at any time by the Department.

f) Through consultation with the long-term care industry associations, professional organizations, consumer groups and health-care management corporations, the Department shall maintain a list of receivers. Preference on the list shall be given to individuals possessing a valid Illinois Nursing Home Administrator's License, experience in financial and operations management of a long-term care facility and individuals with access to consultative experts with the aforementioned experience. To be placed on the list, individuals must meet the following minimum requirements:

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1) be in good physical health as evidenced by a physical examination by a physician within the last year;
2) have an understanding of the needs of ~~nursing home~~ long-term care facility residents and the delivery of the highest possible quality of care as evidenced by one year of experience in working with ~~the~~ elderly or developmentally disabled individuals in programs such as patient care, social work, or advocacy;
3) have an understanding and working knowledge of the Act and this Part, as evidenced in a personal interview of the candidate;
4) have successfully completed a baccalaureate degree or possess a nursing license or a nursing home administrator's license; and
5) have two years full-time working experience in the Illinois long-term care industry.

g) Upon appointment of a receiver for a facility by a court, the Department shall inform the individual of all legal proceedings to date which concern the facility.

h) The receiver may request that the Director of the Department authorize expenditures from monies appropriated, pursuant to Section 3-511 of the Act, if incoming payments from the operation of the facility are less than the costs incurred by the receiver.

i) In the case of Department ordered patient transfers, the receiver may:
1) assist in providing for the orderly transfer of all residents in the facility to other suitable facilities~~,~~ or make other provisions for their continued health;
2) assist in providing for transportation of the resident, his medical records and his belongings if he is transferred or discharged; assist in locating alternative placement; assist in preparing the resident for transfer; and permit the resident's legal guardian to participate in the selection of the resident's new location;
3) unless emergency transfer is necessary, explain alternative placements to the resident and provide orientation to the place chosen by the resident or resident's guardian.

j) *In any action or special proceeding brought against a receiver in the receiver's official capacity for acts committed while carrying out* the aforesaid *powers and duties, the receiver shall be considered a public employee under the Local Governmental and Governmental Employees Tort Immunity Act~~:--(Ill.-Rev.-Stat.-1991,-ch.--85,--par.--1-101--et--seq.)~~* [745 ILCS 10]. *A receiver may be held liable in a personal capacity only for the receiver's own gross negligence, intentional acts or breach of ~~fiduciary~~ fiduciary duty.* (Section 3-513 of the Act)

(Source: Amended at 19 Ill. Reg. 11600, effective JUL 2 9 1995)

Section 300.330 Definitions

The terms defined in this Section are terms that are used in one or more of the

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sets of licensing standards established by the Department to license various levels of long-term care. They are defined as follows:

Abuse - any physical or mental injury or sexual assault inflicted on a resident other than by accidental means in a facility. (Section 1-103 of the Act)

Abuse means:

Physical abuse refers to the infliction of injury on a resident that occurs other than by accidental means and that requires (whether or not actually given) medical attention.

Mental injury arises from the following types of conduct:

Verbal abuse refers to the use by a licensee, employee or agent of oral, written or gestured language that includes disparaging and derogatory terms to residents or within their hearing or seeing distance, regardless of their age, ability to comprehend or disability.

Mental abuse includes, but is not limited to, humiliation, harassment, threats of punishment or deprivation, or offensive physical contact by a licensee, employee or agent.

Sexual harassment or sexual coercion perpetrated by a licensee, employee or agent.

Sexual assault.

Access - the right to:

Enter any facility;

Communicate privately and without restriction with any resident who consents to the communication;

Seek consent to communicate privately and without restriction with any resident;

Inspect the clinical and other records of a resident with the express written consent of the resident;

Observe all areas of the facility except the living area of any resident who protests the observation. (Section 1-104 of the Act)

Act - as used in this Part, the Nursing Home Care Act ~~Ill.-Rev.--Stat.~~

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~~100ILCS-ch.-111-1/2,-par.-4151-101-et-seq.)~~ [210 ILCS 45].

Activity Program - a specific planned program of varied group and individual activities geared to the individual resident's needs and available for a reasonable number of hours each day.

Adaptive Behavior - the effectiveness or degree with which the individual meets the standards of personal independence and social responsibility expected of his age and cultural group.

Addition - any construction attached to the original building which increases the area or cubic content of the building.

Adequate - enough in either quantity or quality, as determined by a reasonable person familiar with the professional standards of the subject under review, to meet the needs of the residents of a facility under the particular set of circumstances in existence at the time of review.

Administrative Warning - a notice to a facility issued by the Department under Section 300.277 of this Part and Section 3-303.2 of the Act, which indicates that a situation, condition, or practice in the facility violates the Act or the Department's rules, but is not a type A or type B violation.

Administrator - the person who is directly responsible for the operation and administration of the facility, irrespective of the assigned title. (See Licensed Nursing Home Administrator.)

Advocate - a person who represents the rights and interests of an individual as though they were the person's own, in order to realize the rights to which the individual is entitled, obtain needed services, and remove barriers to meeting the individual's needs.

Affiliate - means:

With respect to a partnership, each partner thereof.

With respect to a corporation, each officer, director and stockholder thereof.

With respect to a natural person: any person related in the first degree of kinship to that person; each partnership and each partner thereof of which that person or any affiliate of that person is a partner; and each corporation in which that person or any affiliate of that person is an officer, director or stockholder. (Section 1-106 of the Act)

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Aide or Orderly - any person providing direct personal care, training or habilitation services to residents.

Alteration - any construction change or modification of an existing building which does not increase the area or cubic content of the building.

Ambulatory Resident - a person who is physically and mentally capable of walking without assistance, or is physically able with guidance to do so, including the ascent and descent of stairs.

Applicant - any person making application for a license. (Section 1-107 of the Act)

Appropriate - term used to indicate that a requirement is to be applied according to the needs of a particular individual or situation.

Assessment - the use of an objective system with which to evaluate the physical, social, developmental, behavioral, and psychosocial aspects of an individual.

Audiologist - a person who is certified or is eligible for a certificate of clinical competence in audiology granted by the American Speech and Hearing Association under its requirements in effect on the publication of this provision or meets the educational requirements for certification and is in the process of accumulating the supervised experience required for certification.

Autism - ~~A~~ a syndrome described as consisting of withdrawal, very inadequate social relationships, exceptional object relationships, language disturbances and monotonously repetitive motor behavior; many children with autism will also be seriously impaired in general intellectual functioning; mental illness observed in young children characterized by severe withdrawal and inappropriate response to external stimulation.

Autoclave - an apparatus for sterilizing by superheated steam under pressure.

Auxiliary Personnel - all nursing personnel in intermediate care facilities and skilled nursing facilities other than licensed personnel.

Basement - when used in this Part, means any story or floor level below the main or street floor. Where due to grade difference, there are two levels each qualifying as a street floor, a basement is any floor below the level of the two street floors. Basements shall not

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be counted in determining the height of a building in stories.

Behavior Modification - treatment to be used to establish or change behavior patterns.

Cerebral Palsy - a disorder dating from birth or early infancy, nonprogressive, characterized by examples of aberrations of motor function (paralysis, weakness, incoordination) and often other manifestations of organic brain damage such as sensory disorders, seizures, mental retardation, learning difficulty and behavior disorders.

Certification for Title XVIII and XIX - the issuance of a document by the Department to the Department of Health and Human Services or the Department of Public Aid verifying compliance with applicable statutory or regulatory requirements for the purposes of participation as a provider of care and service in a specific Federal or State health program.

Charge Nurse - ~~a-charge-nurse-is~~ a registered professional nurse or a licensed practical nurse in charge of the nursing activities for a specific unit or floor during a tour of duty.

Child Care/Habilitation Aide - any person who provides nursing, personal or rehabilitative care to residents of licensed Long-Term Care Facilities for Persons Under 22 Years of Age, regardless of title, and who is not otherwise licensed, certified or registered by the Department of Professional Regulation to render such care. Child Care/Habilitation aides must function under the supervision of a licensed nurse.

Community Alternatives - service programs in the community provided as an alternative to institutionalization.

~~Community-Living-Facility---see-Facility,-Community-Living.~~

Continuing Care Contract - a contract through which a facility agrees to supplement all forms of financial support for a resident throughout the remainder of the resident's life.

Contract - a binding agreement between a resident or the resident's guardian (or, if the resident is a minor, the resident's parent) and the facility or its agent.

Corporal Punishment - painful stimuli inflicted directly upon the body.

Cruelty and Indifference to Welfare of the Resident - failure to

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provide a resident with the care and supervision he requires; or, the infliction of mental or physical abuse. ~~Examples-of-physical-abuse are--restraining--a--resident,---striking,---slapping,---hitting,---or withholding-food-as-punishment.-Examples-of-mental-abuse-are-swearing, threatening-and-seclusion.~~

Dentist - any person licensed ~~by-the-State-of-Illinois~~ to practice dentistry, includes persons holding a Temporary Certificate of Registration, as provided in the Illinois Dental Practice Act ~~[111. Rev. Stat. 1991, ch. 111, par. 2301 et seq.]~~ [225 ILCS 25].

Department - as used in this Part means the Illinois Department of Public Health.

~~Developmentally--Disabled-----those--individuals--whose--disability-is attributable-to-mental-retardation,-cerebral-palsy,-epilepsy,--autism, or-other-pathological-conditions-which-generally-originate-before-such individuals--attain--age-18,-and-which-continue,-or-can-be-expected-to continue,-indefinitely,-and-which-constitute-a-substantial-functioning handicap-to-such-individuals.~~

Developmental Disabilities (DD) Aide - any person who provides nursing, personal or habilitative care to residents of Intermediate Care Facilities for the Developmentally Disabled, regardless of title, and who is not otherwise licensed, certified or registered to render medical care. Other titles often used to refer to DD Aides include, but are not limited to, Program Aides, Program Technicians and Habilitation Aides. DD Aides must function under the supervision of a licensed nurse or a Qualified Mental Retardation Professional (QMRP).

~~Developmental-Disability---a-severe,-chronic-disability--of--a--person which:~~

~~is-attributable-to-a-mental-or-physical-impairment-or-combination of--mental--and--physical-impairment-or-combination-of-mental-and physical-impairments;~~

~~is-manifest-before-age-22;~~

~~is-likely-to-continue-indefinitely;~~

~~results-in-substantial-functional-limitations-in-three-or-more-of the-following-areas-of-major-life-activities:~~

~~self-care;~~

~~receptive-and-expressive-language;~~

~~learning;~~

~~mobility;~~

~~self-direction;~~

~~capacity-for-independent-living;-and~~

~~economic-self-sufficiency;-and~~

~~reflects-the-person's-needs-for-a--combination--and--sequence--of special,--interdisciplinary,-or-generic-care,-treatment,-or-other~~

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~~services--which--are--of--life-long--or--extended--duration---and individually-planned-and-coordinated.~~

Developmental Disability - means a severe, chronic disability of a person which:

is attributable to a mental or physical impairment or combination of mental and physical impairments, such as mental retardation, cerebral palsy, epilepsy, autism;

is manifested before the person attains age 22;

is likely to continue indefinitely;

results in substantial functional limitations in 3 or more of the following areas of major life activity:

self-care,

receptive and expressive language,

learning,

mobility,

self-direction,

capacity for independent living, and

economic self-sufficiency; and

reflects the person's need for combination and sequence of special, interdisciplinary or generic care treatment or other services which are of lifelong or extended duration and are individually planned and coordinated. (Section 3-801 of the Act)

Dietetic Service Supervisor - a person who:

is a qualified dietitian; or

is a graduate of a dietetic technician or dietetic assistant training program, corresponding or classroom, approved by the American Dietetic Association; or

is a graduate, prior to July 1, 1990, of a Department-approved course that ~~provides~~ provided 90 or more hours of classroom instruction in food service supervision and has had experience as a supervisor in a health care institution which included

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consultation from a dietitian; or

has successfully completed a Dietary Manager's Association approved dietary managers course; or

is certified as a dietary manager by the Dietary Manager's Association; or

has training and experience in food service supervision and management in a military service equivalent in content to the ~~program~~ programs in ~~paragraph~~ paragraphs (2), ~~or~~ (3) or (4) of this definition.

Dietitian - a person who:

is eligible for registration by the American Dietetic Association; or

has a baccalaureate degree with major studies in food and nutrition, dietetics, and food service management, has one year of supervisory experience in the dietetic service of a health care institution, and participates annually in continuing dietetic education.

~~Direct-Care-Aide---Any-person-who-provides-nursing-care,-personal-care or-psychosocial-support-to-residents-of-specialized-living-facilities, regardless--of--title,--and--who--is--not-a-Qualified-Professional,-as defined-in-these-rules.--Direct-Care-Aides--must--function--under--the supervision--of--a--licensed-nurse-when-performing-nursing-or-personal care-duties.~~

Direct Supervision - ~~means-that~~ work ~~is~~ performed under the guidance and direction of a supervisor who is responsible for the work, who plans work and methods, who is available on short notice to answer questions and deal with problems that are not strictly routine, who regularly reviews the work performed, and who is accountable for the results.

Director - the Director of Public Health or ~~his~~ designee. (Section 1-110 of the Act)

Director of Nursing Service - the full-time Professional Registered Nurse who is directly responsible for the immediate supervision of the nursing services.

Discharge - the full release of any resident from a facility. (Section 1-111 of the Act)

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Distinct Part - an entire, physically identifiable unit consisting of all of the beds within that unit and having facilities meeting the standards applicable to the levels of service to be provided. Staff and services for a distinct part are established as set forth in the respective regulations governing the levels of services approved for the distinct part.

Emergency - a situation, physical condition or one or more practices, methods or operations which present imminent danger of death or serious physical or mental harm to residents of a facility. (Section 1-112 of the Act)

Epilepsy - a chronic symptom of cerebral dysfunction, characterized by recurrent attacks, involving changes in the state of consciousness, sudden in onset, and of brief duration. Many attacks are accompanied by a seizure in which the person falls involuntarily.

~~Equivalent of a Graduate licensed Practical Nurse a licensed practical nurse, licensed by waiver, who successfully passes the proficiency examination approved by the U.S. Department of Health and Human Services shall be considered the equivalent of a licensed practical nurse who is a graduate of an approved school of practical nursing for the purposes of this Part.~~

Existing Long-Term Care Facility - any facility initially licensed as a health care facility or approved for construction by the Department, or any facility initially licensed or operated by any other agency of the State of Illinois, prior to March 1, 1980. Existing long-term care facilities shall meet the design and construction standards for existing facilities for the level of long-term care for which the license (new or renewal) is to be granted.

~~Facility, Community living a place of residence as limited in these standards for between five and eighty ambulatory adults who are mildly or moderately mentally retarded with a potential for being absorbed into the mainstream of community life.~~

Facility, Intermediate Care - a facility which provides basic nursing care and other restorative services under periodic medical direction. Many of these services may require skill in administration. Such facilities are for residents who have long-term illnesses or disabilities which may have reached a relatively stable plateau.

Facility, Intermediate Care for the Developmentally Disabled - when used in this Part, is a facility of three or more persons, or distinct part thereof, serving residents of which more than 50 percent are developmentally disabled. ~~Facilities with any number less than 50 percent of developmentally disabled residents, who are determined by~~

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~~the Department with consultation from the Division of Developmental Disabilities, Illinois Department of Mental Health and Developmental Disabilities to need organized social support and training programs, must comply with the program requirements in this Part.~~

Facility or Long-Term Care Facility - a private home, institution, building, residence, or any other place, whether operated for profit or not, or a county home for the infirm and chronically ill operated pursuant to Division 5-21 or 5-22 of the Counties Code ~~(Ill. Rev. Stat. 1991, ch. 34, pars. 5-21001 et seq. and 5-22001 et seq.)~~ [55 ILCS 5], *or any similar institution operated by a political subdivision of the State of Illinois, which provides, through its ownership or management, personal care, sheltered care or nursing for three or more persons, not related to the applicant or owner by blood or marriage. It includes skilled nursing facilities and intermediate care facilities as those terms are defined in Title XVIII and Title XIX of the Federal Social Security Act* (42 U.S.C.A. 1395 et seq. and 1936 et seq.). A "facility" may consist of more than one building as long as the buildings are on the same tract, or adjacent tracts of land. However, there shall be no more than one "facility" in any one building. *"Facility" does not include the following:*

A home, institution, or other place operated by the federal government or agency thereof, or by the State of Illinois;

A hospital, sanitarium, or other institution whose principal activity or business is the diagnosis, care, and treatment of human illness through the maintenance and operation as organized facilities therefor, which is required to be licensed under the Hospital Licensing Act ~~(Ill. Rev. Stat. 1991, ch. 111 1/2, par. 142 et seq.)~~ [210 ILCS 85];

Any "facility for child care" as defined in the Child Care Act of 1969 ~~(Ill. Rev. Stat. 1991, ch. 23, par. 2211 et seq.)~~ [225 ILCS 10];

Any "community living facility" as defined in the Community Living Facilities Licensing Act ~~(Ill. Rev. Stat. 1991, ch. 111 1/2, par. 4101 et seq.)~~ [210 ILCS 35];

Any "community residential alternative" as defined in the Community Residential Alternatives Licensing Act ~~(Ill. Rev. Stat. 1991, ch. 91 1/2, par. 621 et seq.)~~ [210 ILCS 140];

Any nursing home or sanatorium operated solely by and for persons who rely exclusively upon treatment by spiritual means through prayer, in accordance with the creed or tenets of any well-recognized church or religious denomination. However, such

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nursing home or sanatorium shall comply with all local laws and rules relating to sanitation and safety;

Any facility licensed by the Department of Mental Health and Developmental Disabilities as a community-integrated living arrangement as defined in the Community-Integrated Living Arrangements Licensure and Certification Act ~~(Ill.-Rev.-Stat.-1991,-ch.-91-1/2,-par.-1701-et-seq.)~~ [210 ILCS 135]; *or*

Any supportive residence licensed under the Supportive Residences Licensing Act ~~(Ill.-Rev.-Stat.-1991,-ch.-111-1/2,-pars.--9001--et seq.)~~ [210 ILCS 65]. (Section 1-113 of the Act)

Facility, Long-Term Care, for Residents Under 22 Years of Age - when used in this Part is synonymous with a long-term care facility for residents under 22 years of age, which facility provides total habilitative health care to residents who require specialized treatment, training and continuous nursing care because of medical or developmental disabilities.

Facility, Sheltered Care - when used in this Part is synonymous with a sheltered care facility, which facility provides maintenance and personal care.

Facility, Skilled Nursing - when used in this Part is synonymous with a skilled nursing facility. A skilled nursing facility provides skilled nursing care, continuous skilled nursing observations, restorative nursing, and other services under professional direction with frequent medical supervision. Such facilities are provided for patients who need the type of care and treatment required during the post-acute phase of illness or during recurrences of symptoms in long-term illness.

Financial Responsibility - having sufficient assets to provide adequate services such as: staff, heat, laundry, foods, supplies, and utilities for at least a two-month period of time.

Full-time - means on duty a minimum of 36 hours, four days per week.

Goal - an expected result or condition that involves a relatively long period of time to achieve, that is specified in behavioral terms in a statement of relatively broad scope, and that provides guidance in establishing specific, short-term objectives directed toward its attainment.

Governing Body - the policy-making authority, whether an individual or a group, that exercises general direction over the affairs of a facility and establishes policies concerning its operation and the

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welfare of the individuals it serves.

Guardian - a person appointed as a guardian of the person or guardian of the estate, or both, of a resident under the Probate Act of 1975 ~~(Ill.-Rev.-Stat.-1991,-ch.-110-1/2,-par.-1-1-et-seq.)~~ [755 ILCS 5]. (Section 1-114 of the Act)

Habilitation - an effort directed toward the alleviation of a disability or toward increasing a person's level of physical, mental, social or economic functioning. Habilitation may include, but is not limited to, diagnosis, evaluation, medical services, residential care, day care, special living arrangements, training, education, sheltered employment, protective services, counseling and other services.

Health Services Supervisor - (Director of Nursing Service) the full-time Registered Nurse, or Licensed Practical Nurse, who is directly responsible for the immediate supervision of the health services in an Intermediate Care Facility.

Home for the Aged - any facility which is operated: by a not-for-profit corporation incorporated under, or qualified as a foreign corporation under, the General Not For Profit Corporation Act of 1986 ~~(Ill.-Rev.-Stat.-1991,-ch.-32,-par.-101.01-et-seq.)~~ [805 ILCS 105]; or, by a county pursuant to Division 5-22 of the Counties Code ~~(Ill.--Rev.-Stat.-1991,-ch.-34,-par.-5-22001-et-seq.)~~ [55 ILCS 5]; or, pursuant to a trust or endowment established for nonprofit, charitable purposes~~,~~; and which provides maintenance, personal care, nursing or sheltered care to three or more residents, ninety percent of whom are 60 or more years of age.

Hospitalization - the care and treatment of a person in a hospital as an in-patient.

~~House--Manager-----a-qualified-person-on-duty-40-hours-a-week-managing the-Community-Living-Facility-and-responsible-for--its--operation--and its-inhabitants.~~

Individual Education ~~Educational~~ Program (IEP) - a written statement for each resident that provides for specific education and related services. The Individual Education Program may be incorporated into the Individual Habilitation Plan (IHP).

Individual Habilitation Plan (IHP) - a total plan of care that is developed by the interdisciplinary team for each resident, and that is developed on the basis of all assessment results.

Institutional Occupancy - when used in this Part means Health Care Facilities, Group (a), as defined in Chapter 10, paragraph 10-0001 of

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the Life Safety Code, National Fire Protection Association (1985 Edition).

Interdisciplinary Team - a group of persons that represents those professions, disciplines, or service areas that are relevant to identifying an individual's strengths and needs, and designs a program to meet those needs. This team shall include at least a physician, a social worker and other professionals. In Intermediate Care Facilities for the ~~The~~ Developmentally Disabled ~~(ICF-DDs)~~ (ICF/DD) at least one member of the team shall be a Qualified Mental Retardation Professional. The Interdisciplinary Team includes the resident, the resident's guardian, the resident's primary service providers, including staff most familiar with the resident; and other appropriate professionals and caregivers as determined by the resident's needs. The resident or his or her guardian may also invite other individuals to meet with the Interdisciplinary Team and participate in the process of identifying the resident's strengths and needs.

Licensed Nursing Home Administrator - a person who is charged with the general administration and supervision of a facility and licensed under the Nursing Home Administrators Licensing and Disciplinary Act ~~(Ill.-Rev.-Stat.-1991,-ch.-111,-par.-3651-et-seq.)~~ [225 ILCS 70].

Licensed Practical Nurse - a person with a valid Illinois license to practice as a practical nurse.

Licensee - the person or entity licensed to operate the facility as provided under the Act. (Section 1-115 of the Act)

Life Care Contract - a contract through which a facility agrees to provide maintenance and care for a resident throughout the remainder of the resident's life.

Maintenance - food, shelter, and laundry services. (Section 1-116 of the Act)

Maladaptive Behavior - impairment in adaptive behavior as determined by a clinical psychologist or by a physician. Impaired adaptive behavior may be reflected in delayed maturation, reduced learning ability or inadequate social adjustment.

Medical Record Practitioner - a person who: is eligible for certification as a registered record administrator (RRA) or an accredited record technician (ART), by the American Medical Record Association under its requirements; or is a graduate of a school of medical record science that is accredited jointly by the American Medical Association and the American Medical Record Association.

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Mentally Retarded and Mental Retardation - subaverage general intellectual functioning originating during the developmental period and associated with maladaptive behavior.

Misappropriation of Property - using a resident's cash, clothing, or other possessions without authorization by the resident or the resident's authorized representative; failure to return valuables after a resident's discharge; or failure to refund money after death or discharge when there is an unused balance in the resident's personal account.

Mobile Nonambulatory - unable to walk independently or without assistance, but able to move from place to place with the use of a ~~devices~~ device such as a ~~walkers~~ walker, crutches, a ~~wheelchairs~~ wheelchair, or a wheeled ~~platforms~~ platform.

Mobile Resident - any resident who is able to move about either independently or with the aid of an assistive ~~devices~~ device such as a ~~walkers~~ walker, crutches, a ~~wheelchairs~~ wheelchair, or a wheeled ~~platforms~~ platform.

Monitor - a qualified person placed in a facility by the Department to observe operations of the facility, assist the facility by advising it on how to comply with the State regulations, and who reports periodically to the Department on the operations of the facility.

Neglect - a failure in a facility to provide adequate medical or personal care or maintenance, which failure results in physical or mental injury to a resident or in the deterioration of a resident's physical or mental condition. (Section 1-117 of the Act) Neglect means: the ~~The~~ failure to provide adequate medical or personal care or maintenance, which failure results in physical or mental injury to a resident or in the deterioration of a resident's physical or mental condition. This shall include any allegation where:

the alleged failure causing injury or deterioration is ongoing or repetitious; or

a resident required medical treatment as a result of the alleged failure; or

the failure is alleged to have caused a noticeable negative impact on a resident's health, behavior or activities for more than 24 hours.

New Long-Term Care Facility - any facility initially licensed as a health care facility by the Department, or any facility initially licensed or operated by any other agency of the State of Illinois, on

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or after March 1, 1980. New long-term care facilities shall meet the design and construction standards for new facilities for the level of long-term care for which the license (new or renewal) is to be granted.

Normalization - the principle of helping individuals to obtain an existence as close to normal as possible, by making available to them patterns and conditions of everyday life that are as close as possible to the norms and patterns of the mainstream of society.

Nurse - a registered nurse or a licensed practical nurse as defined in the Illinois Nursing Act of 1987 ~~(Ill. Rev. Stat. 1991, ch. 111, par. 3501 et seq.)~~ [225 ILCS 65]. (Section 1-118 of the Act)

Nursing Assistant - ~~Any~~ any person who provides nursing care or personal care to residents of licensed long-term care facilities, regardless of title, and who is not otherwise licensed, certified or registered by the Department of Professional Regulation to render medical care. Other titles often used to refer to nursing assistants include, but are not limited to, nurse's aide, orderly and nurse technician. Nursing assistants must function under the supervision of a licensed nurse.

Nursing Care - a complex of activities which carries out the diagnostic, therapeutic, and rehabilitative plan as prescribed by the physician; care for the resident's environment; observing symptoms and reactions and taking necessary measures to carry out nursing procedures involving understanding of cause and effect in order to safeguard life and health.

Nursing Unit - a physically identifiable designated area of a facility consisting of all the beds within the designated area, but having no more than 75 beds, none of which are more than 120 feet from the nurse's station.

Objective - an expected result or condition that involves a relatively short period of time to achieve, that is specified in behavioral terms, and that is related to the achievement of a goal.

Occupational Therapist, Registered (OTR) - a person who is registered ~~with the Department of Professional Regulation~~ as an occupational therapist under the Illinois Occupational Therapy Practice Act ~~(Ill. Rev. Stat. 1991, ch. 111, par. 3701 et seq.)~~ [225 ILCS 75].

Occupational Therapy Assistant - a person who is registered ~~with the Department of Professional Regulation~~ as a certified occupational therapy assistant under the Illinois Occupational Therapy Practice Act.

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Operator - the person responsible for the control, maintenance and governance of the facility, its personnel and physical plant.

Other Resident Injury - occurs where a resident is alleged to have suffered physical or mental harm and the allegation does not fall within the definition of abuse or neglect.

Oversight - general watchfulness and appropriate reaction to meet the total needs of the residents, exclusive of nursing or personal care. Oversight shall include, but is not limited to, social, recreational and employment opportunities for residents who, by reason of mental disability, or in the opinion of a licensed physician, are in need of residential care.

Owner - the individual, partnership, corporation, association or other person who owns a facility. In the event a facility is operated by a person who leases the physical plant, which is owned by another person, "owner" means the person who operates the facility, except that if the person who owns the physical plant is an affiliate of the person who operates the facility and has significant control over the day-to-day operations of the facility, the person who owns the physical plant shall incur jointly and severally with the owner all liabilities imposed on an owner under the Act. (Section 1-119 of the Act)

Person - any individual, partnership, corporation, association, municipality, political subdivision, trust, estate or other legal entity whatsoever.

Personal Care - assistance with meals, dressing, movement, bathing, or other personal needs, or maintenance, or general supervision and oversight of the physical and mental well-being of an individual, ~~exclusive of nursing, who because of age, physical or mental disability, emotional or behavior disorder, or mental retardation~~ is incapable of maintaining a private, independent residence, or who is incapable of managing his person, whether or not a guardian has been appointed for such individual. (Section 1-120 of the Act)

Pharmacist, Registered - a person who holds a certificate of registration as a registered pharmacist, a local registered pharmacist or a registered assistant pharmacist under the Pharmacy Practice Act of 1987 ~~(Ill. Rev. Stat. 1991, ch. 111, par. 4121 et seq.)~~ [225 ILCS 85].

Physical Therapist Assistant - a person who has graduated from a two year college level program approved by the American Physical Therapy Association.

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Physical Therapist - a person who is registered ~~with the Department of Professional Regulation~~ as a physical therapist under the Illinois Physical Therapy Act ~~(Ill. Rev. Stat. 1991, ch. 111, par. 4251 et seq.)~~ [225 ILCS 90].

Physician - any person licensed ~~by the State of Illinois~~ to practice medicine in all its branches as provided in the Medical Practice Act of 1987 ~~(Ill. Rev. Stat. 1991, ch. 111, par. 4400-1 et seq.)~~ [225 ILCS 60].

Probationary License - an initial license issued for a period of 120 days during which time the Department will determine the qualifications of the applicant.

~~Program--Coordinator---a-qualified-person-directly-responsible-for-the overall-program,--operation--and--management--of--a--Community--Living Facility.~~

~~Program--Unit---a--resident-care-unit-in-Specialized-Living-Facilities equivalent-to-a-nursing-unit-in-Skilled-Nursing-facilities-as--defined in-this-Part.~~

Psychiatrist - a physician who has had at least three years of formal training or primary experience in the diagnosis and treatment of mental illness.

Psychologist - a person who is licensed ~~by the Illinois Department of Professional Regulation~~ to practice clinical psychology under the Clinical Psychologist Licensing Act ~~(Ill. Rev. Stat. 1991, ch. 111, par. 5351 et seq.)~~ [225 ILCS 15].

Qualified Mental Retardation Professional - a person who has at least one year of experience working directly with individuals with developmental disabilities and meets at least one of the following additional qualifications:

Be a physician as defined in this Section.

Be a registered nurse as defined in this Section.

Hold at least a bachelor's degree in one of the following fields: occupational therapy, physical therapy, psychology, social work, speech or language pathology, recreation (or a recreational specialty area such as art, dance, music, or physical education), dietary services or dietetics, or a human services field (such as sociology, special education, or rehabilitation counseling).

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Qualified Professional - a person who meets the educational, technical and ethical criteria of a health care profession, as evidenced by eligibility for membership in an organization established by the profession for the purpose of recognizing those persons who meet such criteria; and who is licensed, registered, or certified by the State of Illinois, if required.

Reasonable Visiting Hours ~~visiting hours~~ - any time between the hours of 10 a.m. and 8 p.m. daily. (Section 1-121 of the Act)

Registered Nurse - a person with a valid ~~Illinois~~ license ~~from the Illinois Department of Professional Regulation~~ to practice as a registered professional nurse under the Illinois Nursing Act of 1987.

Repeat Violation - For purposes of assessing fines under Section 3-305 of the Act, a violation that has been cited during one inspection of the facility for which a subsequent inspection indicates that *an accepted plan of correction was not complied with,* within a period of not more than twelve months from the issuance of the initial violation. *A repeat violation shall not be a new citation of the same rule, unless the licensee is not substantially addressing the issue routinely throughout the facility.* (Section 3-305(7) of the Act)

Reputable Moral Character - having no history of a conviction of the applicant, or if the applicant is a firm, partnership, or association, of any of its members, or of a corporation, of any of its officers, or directors, or of the person designated to manage or supervise the facility, of a felony, or of two or more misdemeanors involving moral turpitude, as shown by a certified copy of the record of the court of conviction, or in the case of the conviction of a misdemeanor by a court not of record, as shown by other evidence; or other satisfactory evidence that the moral character of the applicant, or manager, or supervisor of the facility is not reputable.

Resident - person residing in and receiving personal care from a facility. (Section 1-122 of the Act)

Resident Services Director - the full-time administrator, or an individual on the professional staff in the facility, who is directly responsible for the coordination and monitoring of the residents' overall plans of care in an intermediate care facility.

Resident's Representative - a person other than the owner, or an agent or employee of a facility not related to the resident, designated in writing by a resident to be his representative, or the resident's guardian, or the parent of a minor resident for whom no guardian has been appointed. (Section 1-123 of the Act)

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Restorative Care - a health care process designed to assist residents to attain and maintain the highest degree of function of which they are capable (physical, mental, and social).

Restraint of a Resident - the application of a device to limit movements.

Room - a part of the inside of a facility that is partitioned continuously from floor to ceiling with openings closed with glass or hinged doors.

Safety Device - any equipment or protective device used on a bed, chair, or resident which prevents him from falling or otherwise injuring himself. Examples are: bedside rails; geriatric or adaptive chairs; a wide band, vest or sheet applied to prevent falling out of a bed or chair; and hand socks applied to prevent injuring one's self.

Sanitization - the reduction of pathogenic organisms on a utensil surface to a safe level, which is accomplished through the use of steam, hot water, or chemicals.

Satisfactory - same as adequate.

Seclusion - the retention of a resident alone in a room with a door that ~~which~~ the resident cannot open.

Self Preservation - the ability to follow directions ~~or~~ and recognize impending danger or emergency situations and react by avoiding or leaving the unsafe area.

Sheltered Care ~~care~~ - maintenance and personal care. (Section 1-124 of the Act)

Social Worker, Qualified - a person who~~:~~ is a licensed social worker or a licensed clinical social worker under the Clinical Social Work and Social Work Practice Act ~~(Ill.-Rev.-Stat.-1991,-ch.-111,-par.-6351 et-seq.)~~ [225 ILCS 20]~~;~~. ~~and~~

~~is-a-graduate-of-a-school-of-social-work-which-has-been--approved by--the--Council--on--Social--Work--Education--(some--schools-are approved-for-Bachelor's-Degree-programs-and-others--for--Master's Degree-programs);-and~~

~~has-one-year-of-social-work-experience-in-a-health-care-setting.~~

State Fire Marshal - the Fire Marshal of the Office of the State Fire Marshal, Division of Fire Prevention.

Sterilization - the act or process of destroying completely all forms of microbial life, including viruses.

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Stockholder of a Corporation ~~corporation~~ - any person who, directly or indirectly, beneficially owns, holds or has the power to vote, at least five percent of any class of securities issued by the corporation. (Section 1-125 of the Act)

Story - when used in this Part, means that portion of a building between the upper surface of any floor and the upper surface of the floor above except that the topmost story shall be the portion of a building between the upper surface of the topmost floor and the upper surface of the roof above.

Student Intern - means any person whose total term of employment in any facility during any 12-month period is equal to or less than 90 continuous days, and whose term of employment is either:

an academic credit requirement in a high school or undergraduate institution, or

immediately succeeds a full quarter, semester or trimester of academic enrollment in either a high school or undergraduate institution, provided that such person is registered for another full quarter, semester or trimester of academic enrollment in either a high school or undergraduate institution which quarter, semester or trimester will commence immediately following the term of employment. (Section 1-125.1 of the Act)

Substantial Compliance - meeting requirements except for variance from the strict and literal performance that~~,-which~~ results in unimportant omissions or defects given the particular circumstances involved. This definition is limited to the phrase as used in Sections ~~300.200(q)(8),--300.200(k)(2)--and--300.200(k)(4).~~ 300.140(a)(3) and 300.150(a)(3).

Substantial ~~failure~~ Failure - the failure to meet requirements other than a variance from the strict and literal performance that~~,-which~~ results in unimportant omissions or defects given the particular circumstances involved. This definition is limited to the phrase as used in ~~Sections~~ Section ~~300.100(b)(1)-and-300.260(f).~~ 300.165(b)(1).

Sufficient - ~~Same~~ same as adequate.

Supervision - authoritative procedural guidance by a qualified person for the accomplishment of a function or activity within his sphere of competence, with initial direction and periodic inspection of the actual act of accomplishing the function or activity. ~~Unless otherwise-stated-in-this-Part,-the-supervisor-must-be-on-the--premises if--the--person--does--not--meet--assistant--level--(two-year-training program)-qualifications-specified-in-these-definitions.~~

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Therapeutic Recreation Specialist - a person who is certified by the National Council for Therapeutic Recreation Certification and who meets the minimum standards it has established for classification as a Therapeutic Recreation Specialist.

Time Out - removing an individual from a situation that results in undesirable behavior. It is a behavior modification procedure which is developed and implemented under the supervision of a qualified professional.

Title XVIII - Title XVIII of the Federal Social Security Act as now or hereafter amended. (Section 1-126 of the Act)

Title XIX - Title XIX of the Federal Social Security Act as now or hereafter amended. (Section 1-127 of the Act)

Transfer - a change in status of a resident's living arrangements from one facility to another facility. (Section 1-128 of the Act)

Type A Violation - a violation of the Act or of the rules promulgated thereunder which creates a condition or occurrence relating to the operation and maintenance of a facility presenting a substantial probability that death or serious mental or physical harm to a resident will result therefrom. (Section 1-129 of the Act)

Type B Violation - a violation of the Act or of the rules promulgated thereunder which creates a condition or occurrence relating to the operation and maintenance of a facility directly threatening to the health, safety or welfare of a resident. (Section 1-130 of the Act)

Unit - an entire physically identifiable residence area~~, in Community living Facilities consisting of not less than five nor more than 20 beds, and~~ having facilities meeting the standards applicable to the levels of service to be provided. Staff and services for each distinct resident area are established as set forth in the respective rules governing the approved levels of service.

Universal Progress Notes - a common record with periodic narrative documentation by all persons involved in resident care.

Valid License - a license which is unsuspended, unrevoked and unexpired.

(Source: Amended at 19 Ill. Reg. 11600, effective JUL 29 1995)

SUBPART H: MEDICATIONS

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 300.1620 Conformance With Physician's Orders

~~a) Physician's Orders and Telephone Orders~~

a) All medications, including cathartics, headache remedies, or vitamins, shall be given only upon the written order of a physician. All such orders shall have the handwritten signature of the physician. (Rubber stamp signatures are not acceptable.) These medications shall be given as prescribed by the physician and at the designated time. ~~(A, B)~~

b) Telephone orders may be taken by a registered nurse or licensed practical nurse. All such orders shall be immediately written on the resident's clinical record, or a "telephone order form" and signed by the nurse taking the order. These orders shall be countersigned by the physician within 10 ~~five working~~ days. Facilities participating in Medicare/Medicaid must meet the applicable Federal regulations. ~~(B)~~

c) Review of medication orders: The staff pharmacist or consultant pharmacist shall review the medical record, including physician orders and laboratory test results, at least monthly and, based on their clinical experience and judgment, determine if there are irregularities which would cause potential adverse reactions, allergies, contraindications, or ineffectiveness. This review shall be done at the facility. Documentation of this review must be entered in the clinical record. Any irregularities noted shall be reported to the attending physician, the advisory physician, and the administrator. ~~(A, B)~~

d) A medication order not specifically limiting the time or number of doses shall be automatically stopped in accordance with written policies approved by the pharmaceutical advisory committee. ~~(B)~~

e) The resident's attending physician shall be notified of medications about to be stopped so that the physician may promptly renew such orders to avoid interruption of the resident's therapeutic regimen. ~~(B)~~

f) All medications to be released to the resident, or person responsible for the resident's care, at the time of discharge or when the resident is going to be temporarily out of the facility at medication time, (such as when attending a vocational training program or on a weekend pass), shall be approved by the physician. A notation concerning their disposition shall be made on the resident's clinical record.

(Source: Amended at 19 Ill. Reg. 11600, effective JUL 29 1995)

SECRETARY OF STATE

NOTICE OF ADOPTED RULES

1) Heading of the Part: Anti-Theft and Abandoned Vehicles Law

2) Code Citation: 92 Ill. Adm. Code 1055

3)

Section Number(s):	Adopted Action:
1055.10	New Section
1055.20	New Section
1055.30	New Section

4) Statutory Authority: Implementing Chapter 4 and authorized by Section 4-109(h) of the Illinois Anti-Theft and Abandoned Vehicles Law of the Illinois Vehicle Code [625 ILCS 5/Ch. 4 and 4-109(h)].

5) Effective Date of Amendment: August 1, 1995

6) Does this rulemaking contain an automatic repeal date: No

7) Does this amendment contain incorporation by reference: No

8) Date filed in Agency's Principal Office: July 26, 1995

9) Notice of Proposal Published in Illinois Register:

19 Ill. Reg. 4976, March 31, 1995

10) Has JCAR issued a Statement of Objections to these amendments: No

11) Difference between proposal and final version:

1. Deleted the comma in all source note effective blanks.

2. Brackets were substituted for parenthetical expressions in the statutory citation, "et. seq." stricken.

3. In Section 1055.10 deleted "(a)" .

4. In Section 1055.10 a space was placed before "(ten)".

5. In Section 1055.10 placed all definitions in alphabetical order.

6. In Section 1005.20 a space was placed before "(B)".

7. In Section 1055.20 corrected the reference to "subsection (B)" to "subsection (b)".

8. In Section 1055.20 labels were corrected.

9. In Section 1055.20 words were capped consistently.

SECRETARY OF STATE

NOTICE OF ADOPTED RULES

10. In Section 1055.20(g), ";" was changed to ":".

11. In Section 1055.30 deleted the Section source note.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR: Yes

13) Will these amendments replace an emergency rule amendment currently in effect: No

14) Are there any amendments pending on this Part: No

15) Summary and Purpose of Rules: To implement P.A. 88-864

16) Information and questions regarding these adopted amendments shall be directed to:

Robert B. Powers
Assistant Counsel
Secretary of State's Office
298 Howlett Building
Springfield, Illinois 62756
217/785-3094

The full text of the Adopted Amendment begins on the next page:

SECRETARY OF STATE

NOTICE OF ADOPTED RULES

TITLE 92: TRANSPORTATION
CHAPTER II: SECRETARY OF STATE

PART 1055
ANTI-THEFT AND ABANDONED VEHICLES LAW

Section
1055.10 Definitions
1055.20 Application for Participation
1055.30 Transfer, Withdrawal, Cancellation

AUTHORITY: Implementing Chapter 4 and authorized by Section 4-109(h) of the Illinois Anti-Theft and Abandoned Vehicles Law of the Illinois Vehicle Code [625 ILCS 5/Ch. 4 and 4-109(h)].

SOURCE: Adopted at 19 Ill. Reg. 11636, effective AUG 0 1 1995.

Section 1055.10 Definitions

For purposes of this Part, the following definitions shall apply:

"B.A.T." Program - the Motor Vehicle Theft Prevent Program as set forth in Section 4-109 of the I.V.C.

"First Division" - Those motor vehicles which are designed for the carrying of not more than 10 (ten) persons.

"Registered owner" - A person who holds legal title of a vehicle registered in the State of Illinois.

"Second Division" - Those vehicles which are designed for carrying more than 10 (ten) persons, those designed or used for living quarters and those vehicles which are designed for pulling or carrying property, freight, or cargo, those motor vehicles of the First Division remodelled for use and used as motor vehicles of the Second Division, and those motor vehicles of the First Division used and registered as school buses.

Section 1055.20 Application for Participation

a) Any resident of Illinois who is a registered owner of a motor vehicle of the First Division or of the Second Division under 8,000 pounds may participate in the "B.A.T." program.
b) Requests for consent forms can be made by telephone to 1-800-608-0561 or in writing to:
BEAT AUTO THEFT PROGRAM
Illinois Secretary of State
Department of Police
324 West Monroe
Springfield, Illinois 62756
Consent forms will also be made available to local law enforcement agencies and Driver's Services facilities for dissemination.
c) A separate consent form provided by the Secretary of State will be required for each vehicle to be registered with the "B.A.T." Program. Only consent forms provided by the Secretary of State will be accepted.
d) Consent forms shall be returned to the Secretary of State at the address given in subsection (b) above accompanied by check or money order made payable to the "Secretary of State" in the amount of $5.00 (five dollars) per consent form.
e) Upon verification of the applicant's information, the Secretary of State Police Inquiry Unit (P.I.U.) will assign a decal number to the applicant's registered vehicle and return mail a registration receipt form and decal to the applicant.
f) P.I.U. will indicate that the vehicle/registered owner is participating in the "B.A.T." Program by "tagging" the Secretary of State Vehicle Registration file.
g) Decal shall be affixed to the registered vehicle in the following manner:
1) On a First Division vehicle; in the lower left corner (driver's side) of the rear windshield.
2) On a Second Division vehicle; in the lower left corner (driver's side) of the rear windshield.
3) On a Second Division vehicle with no back window exposed; in the lower right hand corner of the driver's side window.
4) On a motorcycle; on the left side of the front fork.
5) Any other vehicle; as prescribed on a case by case basis by the Secretary of State.

Section 1055.30 Transfer, Withdrawal, Cancellation

a) Neither decal nor registration in the "B.A.T." Program is transferrable.
b) If registered vehicle is sold, it is the participant's responsibility to remove the decal from the vehicle and inform the Secretary of State via the cancellation/withdrawal form that the vehicle is to be withdrawn from the B.A.T. Program.
c) No part of the registration fee is refundable.

SECRETARY OF STATE

NOTICE OF ADOPTED RULES

1) Heading of the Part: Dealers, Wreckers, Transporters and Rebuilders

2) Code Citation: 92 Ill. Adm. Code 1020

3) Section Number(s): Adopted Action:

1020.10 Amendment

4) Statutory Authority: Implementing Chapter 5 and authorized by Section 2-104(b) of the Illinois Vehicle and Title Registration Law of the Illinois Vehicle Code [625 ILCS 5/Ch. 5 and 2-104(b)].

5) Effective Date of Amendment: August 1, 1995

6) Does this rulemaking contain an automatic repeal date: No

7) Does this amendment contain incorporation by reference: No

8) Date filed in Agency's Principal Office:

9) Notice of Proposal Published in Illinois Register: 19 Ill. Reg. 4980, March 31, 1995

10) Has JCAR issued a Statement of Objections to these amendments: No

11) Difference between proposal and final version:

1. The word "Section" was capitalized throughout.

2. In the 'Authority', ILCS form was corrected.

3. Section 1020.10(a) "11-100 et seq." was deleted.

4. Section 1020.10(c) heading was changed from all caps to mixed case.

5. Section 1020.10(c) added comma after "sale".

6. Section 1020.10(c)(2) changed to lower case "s" in "state".

7. Section 1020.10(c)(6) "supplemental license" was changed to "permit".

8. Section 1020.10(c)(7),(8) and (9) deleted ";"

9. Section 1020.10(c)(7)(D),(E) and (c)(8)(A) and (c)(9)(A) changed subsection to subsections.

10. Section 1020.10(c)(8)(A) changed meet to meets.

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NOTICE OF ADOPTED RULES

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR: Yes

13) Will these amendments replace an emergency rule amendment currently in effect: No

14) Are there any amendments pending on this Part: No

15) Summary and Purpose of Rules: To implement P.A. 88-865

16) Information and questions regarding these adopted amendments shall be directed to:

Robert B. Powers
Assistant Counsel
Secretary of State's Office
298 Howlett Building
Springfield, Illinois 62756
(217) 785-3094

The full text of the Adopted Amendment begins on the next page:

SECRETARY OF STATE

NOTICE OF ADOPTED RULES

TITLE 92: TRANSPORTATION
CHAPTER II: SECRETARY OF STATE

PART 1020
DEALERS, WRECKERS, TRANSPORTERS AND REBUILDERS

Section
1020.10 Dealers Established Place of Business
1020.20 Required Records for Automotive Parts Recyclers Rebuilders, New Vehicle Dealers, Used Vehicle Dealers, Repairers and Out-of-State Salvage Vehicle Buyers.
1020.40 Inspection of Licensees' Records and Premises
1020.50 Consignment Sales by Dealers
1020.70 Rebuilders Not to Engage in Retail Selling of Salvage or Rebuilt Vehicles

AUTHORITY: Implementing Chapter 5 and authorized by Section 2-104(b) of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code [625 ILCS 5/Ch. 5 and 2-104(b)].

SOURCE: Filed March 5, 1975; amended at 2 Ill. Reg. 33, p. 144, effective August 8, 1978; amended at 5 Ill. Reg. 3835, effective March 27, 1981; codified at 6 Ill. Reg. 12674; amended at 7 Ill. Reg. 5260, effective April 4, 1983; amended at 8 Ill. Reg. 14657, effective August 1, 1984; amended at 8 Ill. Reg. 22884, effective November 16, 1984; amended at 12 Ill. Reg. 13612, effective August 15, 1988; amended at 12 Ill. Reg. 17962, effective November 1, 1988; amended at 14 Ill. Reg. 8704, effective June 1, 1990; amended at 19 Ill. Reg. 11640, effective AUG 01 1995.

Section 1020.10 Dealers Established Place of Business

a) Each person seeking to be or already duly licensed as a new or used vehicle dealer under the Illinois Vehicle Code (I.V.C.) ~~(Ill.-Reg.-Stat.-1987,-ch.-95-1/2,--par.--1-101--et--seq.)~~ [625 ILCS 5] shall maintain an established place of business which shall, in addition to those requirements in Section 5-100 of the Illinois Vehicle Code (I.V.C), meet the following requirements:
 1) Have office facilities in a building for maintaining and keeping books and records as are required. The office facilities shall be permanently mounted on a fixed foundation and may not include a trailer with axle attached and still moveable. It may include, however, a house trailer in a licensed mobile home park or dealership lot with tires removed and utilities attached.
 2) Be properly and permanently equipped with the necessary office equipment and machines, and documents and papers adequate to properly conduct business as a dealer and must be within a permanent building or structure as required in subsection (a) (1) above.

SECRETARY OF STATE

NOTICE OF ADOPTED RULES

 3) Be equipped with an operating telephone for inbound and outbound calls and and have the business telephone number published in the telephone directory generally available in the dealership area, and adequately equipped with operating electric lights.
 4) Have the name of the dealership posted on the front entrance door.
 5) Have posted on the front entrance door a sign setting forth the days and regular and reasonable hours when open for business. A dealership shall not be deemed as being open for business unless at least one employee, who is able to conduct regular business, is on the premises and available to the public and the dealership must be operated consistent with general dealer practices. The dealership must be open for business at least five (5) days out of each seven (7) days in a week, and a minimum of four (4) hours consecutive per day. However, dealers who operate their dealerships less than 12 months shall state in the license application those months in which the dealership is closed and shall not be required to maintain regular business hours during the period of closure. The months of closure shall also be posted in a prominent place for the public to see in the dealership office.
 6) Maintain a lot, being the area not occupied by a building, which shall be surfaced with rock or better surface material, and which shall be properly illuminated, if open after sundown, so that vehicles for sale can be properly inspected by any prospective customer.
 A) The lot used for sale of vehicles shall be separate and apart from any other business. In addition, where a dealer is selling both new and used cars, the new cars shall be parked separately and apart from used cars.
 B) The above lot requirement shall not be applicable where the place of business has an indoor showroom, properly illuminated, for the display of vehicles held for sale.
 C) The separate lot requirement specified in subsection (a)(6)(A) above shall not prohibit the operation by the dealer of other businesses on the same premises, which shall include the lot, provided that the businesses are reasonably related to the sale or operation of new or used automobiles, provided further that the sale of new or used automobiles shall constitute at least 50% of the gross revenues of the licensed holder, and the sale of automobiles shall be the primary business of the licensed dealer. No business defined as reasonably related to the sale of automobiles under this Section shall exceed 50% of the gross revenue of the business entities using the lot. Businesses reasonably related to the sale or operation of automobiles shall include only the sale of automobile parts and accessories, the sale of gasoline, diesel fuel, oil and lubricant, the

sale of automobile tires, the leasing of automobiles, insuring automobiles and financing of automobiles sold by the licensed dealers engaged in these businesses. Licensed dealers engaged in operating businesses other than those stated herein shall remove such businesses or modify them to comply with this rule within 60 days of notification by the Secretary of State, or be subject to the revocation or suspension of their dealers license.

7) Dealership in a Department Store - Where a dealer maintains a place of business within a department store, the dealership shall be separated from other operations within the department store.

8) Sign - Display a permanent sign bearing the name of the dealership which shall be properly illuminated if open after sundown and which shall be visible from the highway leading to the established place of business.

9) Display a federally required pricing document on all new motor vehicles held for sale.

10) If the premises are leased, such lease must be for at least the duration of the current licensed period.

b) Supplemental Lots

An Illinois licensed dealer may operate as an additional place of business a permanent supplemental lot which will meet all the requirements of subsections (a)(1) through (a)(10) of this Section, except the records required to be kept shall be maintained at the principal place of business of the dealership, as defined by Section 1-164 of the I.V.C., unless the supplemental lot is more than one mile from the main dealerships. The one mile shall be measured by the most direct road between the dealership and the supplemental lot.

1) A licensed dealer shall apply for the supplemental lot authorization when he/she files the application required by Sections 5-101 or 5-102 of the I.V.C. or he/she may file an application to add a supplemental lot during the license period.

2) The fee for a license to operate a supplemental lot is $25 or $12.50 as provided in Sections 5-101 (b)(7) and 5-102(b)(5) of the I.V.C.

3) No vehicle sales at supplemental lots shall be allowed on Sundays except as provided for in Section 5-106 of the I.V.C.

~~c) Trade Showing or Exhibition~~

~~An Illinois licensed dealer may operate as an additional place of business an exhibition area in a trade show or exhibition, provided:~~

~~1) The licensed dealer has a currently valid new or used vehicle dealer license issued by the Secretary of State.~~

~~2) The licensed dealer has provided the Secretary of State with a copy of the written contract with the agency or person or other entity sponsoring, creating, or supervising the trade show or exhibition for which application is made, or a letter from the show sponsor stating the duration of the trade show or exhibition, and an application for the trade show or exhibition~~

~~supplemental license containing the name of the dealership, its license number, the location and dates of the trade shows or exhibitions, and signed by the licensed dealer.~~

~~3) A permit for an additional location granted for a trade show or exhibition shall in no event be valid for more than thirty (30) days from the date of the first day of the trade show or exhibition for which it is granted.~~

~~4) The requirements of subsection (a)(1) through (a)(7) of this Section shall not be required in granting to a licensed dealer a permit for an additional place of business in a trade show or exhibition, where the requirements are inapplicable to a trade show or exhibition.~~

~~5) No permit granted for an additional location in a trade show or exhibition may be transferred nor removed to another location.~~

~~6) The fee for a permit to operate in a trade show or exhibition shall be $10.00 per permit.~~

~~7) Regardless of the dates of the trade show or exhibition, no vehicle sales will be allowed on Sundays except as provided for in Section 5-106 of the I.V.C.~~

c) Trade Show Exhibition, Display Exhibition and Off Site Sale

A licensed dealer may operate as an additional place of business an exhibition area in a trade show exhibition, display exhibition, or off site sale, provided:

1) The trade show exhibition, display exhibition or off site sale must be conducted separate and away from the licensed dealer's established and additional places of business.

2) The licensed dealer has a currently valid new or used vehicle dealer's license issued by the Secretary of State of Illinois or another state where applicable.

3) The applicant dealer meets the requirements of subsection (c)(7), (8) or (9) of this Section.

4) No permit granted for an additional location in a trade show exhibition, display exhibition or off site sale may be transferred nor removed to another location.

5) Regardless of the dates of the trade show exhibition, display exhibition or off site sale no vehicle sales will be allowed on Sunday except as provided for in Section 5-106 of the I.V.C.

6) The licensed dealer has provided the Secretary of State with a copy of the written contract with the agency or person or other entity sponsoring, creating or supervising the trade show exhibition, display exhibition or off site sale and an application for the trade show exhibition, display exhibition or off site sale permit containing the name of the dealership, its license number, the location and dates of the trade show exhibition, display exhibition or off site sale, and signed by the licensed dealer.

7) Trade Show Exhibitions

A) A permit for an additional location granted for a trade show

exhibition shall in no event be valid for more than thirty (30) days from the date of the first day of the trade show exhibition for which it is granted.

B) The fee for a permit to operate in a trade show exhibition shall be $10.00 per permit.

C) No vehicles may be offered for sale.

D) Each trade show exhibition must have a minimum of three (3) licensed participants, at least two of which must be licensed under Section 5-101 or 5-102 of the I.V.C., who all meet the requirements in subsections (c)(1) through (6) of this Section.

E) A trade show exhibition of new vehicles shall only have participants licensed as new vehicle dealers, at least two of which must be licensed under Section 5-101 of the I.V.C., and meet the requirements in subsections (c)(1) through (6) of this Section.

8) Display Exhibitions

A) Only a new or used vehicle dealer licensed under Section 5-101 or 5-102 of the I.V.C., who also meets the requirements of subsections (c)(1) through (6) of this Section, may participate in a display exhibition.

B) A permit for an additional location granted for a display exhibition shall in no event be valid for more than thirty (30) days from the date of the first day of the display exhibition for which it is granted.

C) The fee for a permit to operate in a display exhibition shall be $10.00 per permit.

D) No vehicles may be offered for sale.

9) Off Site Sales

A) Only a dealer licensed under Section 5-101 or 5-102 of the I.V.C., who also meets the requirements of subsections (c)(1) through (6) of this Section, may conduct an off site sale.

B) The off site sale must not be conducted out of the licensed dealer's relevant market area, as defined in Section 5-100 of the I.V.C. This does not apply to off site sales of motor homes or recreational vehicles.

C) A permit for an additional location granted for an off site sale shall in no event be valid for more than seven (7) days from the date of the first day of the off site sale for which it is granted.

D) The fee for a permit to operate an off site sale shall be $25.00 per permit.

d) Each person seeking to be or already duly licensed as a scrap processor, automotive parts recycler, rebuilder, repairer or out of state ~~salavage~~ salvage buyer under the I.V.C. shall maintain an established place of business which shall meet the requirements contained in subsection (a) above, except that no lot as set forth in

subsection (a)(6) above is required. However, if open after sundown, the premises shall be adequately illuminated so that prospective purchasers may inspect the items held for sale.

e) None of the requirements of this Section shall apply to the place of business of a vehicle auctioneer licensed under Chapter 5, Article VII of the I.V.C.

(Source: Amended at 19 Ill. Reg. 11640, effective AUG 0 1 1995)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENTS

1) Heading of the Part:

Tanning Facilities Code

2) Code Citation:

77 Ill. Adm. Code 795

3) Section Numbers: Emergency Action:

795.30	Amendment
795.60	Amendment
795.90	Amendment

4) Statutory Authority:

The Tanning Facility Permit Act [210 ILCS 145]

5) Effective Date of Amendments:

August 1, 1995

6) If this Emergency Amendment is to Expire Before the End of the 150-Day Period, Please Specify the Date on Which it is to Expire:

Not applicable.

7) Date Filed in Agency's Principal Office:

August 1, 1995

8) Reason for Emergency:

A recent interpretation of the Department's rules determined that facilities that failed to renew their permits in a timely manner faced substantial additional economic burden in having to remove installed carpeting from rooms containing tanning equipment.

Implementation of the emergency amendments will ease an economic burden on expired tanning facilities when they comply with the 60 day permit fee payment timeframe. Under current rules, such facilities would be required to remove all installed carpeting from rooms containing tanning equipment and replace such carpeting with non-absorbent, easily cleanable flooring. The emergency rulemaking, by recognizing the definition of "expired facility," allows the facilities to retain carpeting in rooms containing tanning equipment until the facility is extensively remodeled, relocated or undergoes a change of ownership.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENTS

9) A Complete Description of the Subjects and Issues Involved:

These emergency amendments add new definitions for "change of ownership," "existing facility," "new facility," and "expired facility." They clarify Department policy concerning permit fee requirements for expired facilities, stating that expired facilities that fail to pay a $250 permit fee within sixty days of the expiration of their previous permit shall be held to all new facility requirements before the issuance of a new facility permit.

10) Are There Any Proposed Amendments Pending on this Part? Yes

11) Statement of Statewide Policy Objectives:

This emergency rulemaking will neither create nor expand a state mandate on units of local government.

12) Information and Questions Regarding these Amendments shall be directed to:

Gail M. DeVito
Administrative Rules Coordinator
535 West Jefferson, Fifth Floor
Springfield, Illinois 62761-0001
217/782-6187

The full text of the Emergency Amendments begins on the next page:

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENTS

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH

PART 795
TANNING FACILITIES CODE

Section
795.10 Purpose and Scope
795.20 Incorporated Materials
795.30 Definitions
795.40 Exemptions
795.50 Liability
795.60 Application for Permit to Operate a Tanning Facility
795.70 Issuance of Permit to Operate a Tanning Facility
795.80 Expiration of Permit to Operate a Tanning Facility
795.90 Renewal of Permit to Operate a Tanning Facility
795.100 Report of Changes
795.110 Non-Transfer of Permit
795.120 Approval Not Implied
795.130 Denial, Suspension, Revocation or Non-Renewal of a Permit to Operate a Tanning Facility
795.140 Hearings
795.150 Construction and Operation of Tanning Facilities
795.160 Additional Requirements for Stand-Up Booths
795.170 Protective Eyewear
795.180 Operators
795.190 Records
795.200 Injury Reports
795.210 Sanitation
795.220 Enforcement and Penalties
APPENDIX A Examples of Human Skin Types
APPENDIX B Determination of Skin Types

AUTHORITY: Implementing and authorized by the Tanning Facility Permit Act [210 ILCS 145].

SOURCE: Adopted at 16 Ill. Reg. 19895, effective December 7, 1992; emergency amendment at 19 Ill. Reg. _____, effective August 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 11648, effective AUG 0 1 1995.

Section 795.30 Definitions

The definitions and interpretations contained in Section 201 of the Federal Food, Drug and Cosmetic Act (21 U.S.C. 301 et seq.), 21 CFR 1040.20, and the Illinois Food, Drug and Cosmetic Act [410 ILCS 620] ~~(Ill. Rev. Stat. 1991, ch. 56 1/2, pars. 501 et seq.)~~ are applicable to such items when used in this Part. The following definitions shall also apply:

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENTS

"Act" means the Tanning Facility Permit Act [210 ILCS 145] ~~(Ill. Rev. Stat. 1991, ch. 111 1/2, pars. 8351 through 8351 83)~~.

"Agent" means a local health department recognized by the Department.

"Applicant" means any person who applies to the Department for a permit to maintain and operate a tanning facility.

"Change of ownership" means any of the following:

In the case of a tanning facility owned by a corporation, the transfer of the facility by the corporation to another corporation, to a partnership or association, or to a natural person. Transfer of stock in a corporation does not constitute change of ownership.

In the case of a tanning facility owned by a partnership or association, the transfer of the facility by the partnership or association to another partnership or association, to a corporation, or to a natural person. Transfer of interest in the partnership or association or substitution of any or all partners or members of the association does not constitute change of ownership.

In the case of a tanning facility owned by a natural person, the transfer of the facility to any corporation, partnership, association or other natural person whether or not the owner retains any interest in the facility.

"Consumer" means any member of the public who is provided access to a tanning facility in exchange for a fee or other compensation, or any individual who, in exchange for a fee or other compensation, is afforded use of a tanning facility as a condition or benefit of membership or access. (Section 5 of the Act);

"Department" means the Illinois Department of Public Health or other health authority designated as its agent. (Section 5 of the Act);

"Director" means the Director of Public Health or his designee. (Section 5 of the Act);

"Disinfect or disinfection" means a process which provides an effective concentration of a United States Environmental Protection Agency approved chemical for enough time as specified by the manufacturer to reduce bacterial count, including pathogens, to a safe level (when those disease organisms which may be present are destroyed so as to prevent transfer) on tanning equipment surfaces and in toilet and handwashing facilities.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENTS

"Existing facility" means a tanning facility that submitted an application for a permit to operate a tanning facility on or before March 8, 1993 and remains in operation with an unexpired tanning facility permit at the same location under the same ownership as listed in the original tanning facility permit application.

"Expired facility" means a previously permitted tanning facility that has not renewed its tanning facility permit on or before the expiration date of said permit.

"Extensively remodeled" means conversion of an existing structure for use as a tanning facility; structural additions or alterations to existing facilities; or changes, modifications or extensions of plumbing or electrical systems, excluding routine maintenance of such systems.

"Facility" means tanning facility.

"Fee" means the payment or exchange of goods, or anything of value, for the use of the tanning facility or facilities. (Section 5 of the Act)~~.~~

"Individual" means any human being.

"Injury" means any circumstance or incident, resulting from the use of a tanning device, which prompts a consumer to seek medical attention.

"Inspection" means an official examination or observation which includes, but is not limited to, tests, surveys, and monitoring to determine compliance with rules, regulations, orders, requirements and conditions of the Department.

"Licensee" means the same as "permitee".

"New facility" includes any tanning facility that submitted an initial application for a tanning facility permit on or after March 9, 1993. Previously permitted facilities that have changed location or ownership are considered to be new facilities upon their relocation or change of ownership. Expired facilities that fail to renew their tanning facility permit within sixty days after the permit expiration shall be considered new facilities.

"Operator" means the trained *person designated by the licensee for the facility* to control the operation of a tanning facility in compliance with the Act and this Part and *to assist and instruct the public in the correct operation of the tanning facility* and its equipment. (Section 5 of the Act)~~.~~

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NOTICE OF EMERGENCY AMENDMENTS

"Other compensation" means the payment or exchange of goods, or anything of value, for use of the tanning facility or facilities. (Section 5 of the Act)~~.~~

"Permanent" means a minimum of five years for records related to an adult and a minimum of five years past emancipation for records related to a minor.

"Permit" means a permit issued by the Department in accordance with this Part.

"Permitee" means any person who is licensed by the Department in accordance with this Part.

"Person" means any individual, corporation, partnership, firm, association, society, trust, estate, public or private institution, group, agency, political subdivision of this State, any other State or political subdivision or agency thereof, and any legal successor, representative, agent, or agency of the foregoing.

"Photosensitizing agent" means any food, drug, cosmetic, toiletry or other substance, whether ingested or topically applied, which may induce hypersensitivity of an individual to exposure to the sun or other sources of ultraviolet radiation, resulting in inflammation of the skin and its underlying structures, often accompanied by edema.

"Protective eyewear" means eyewear that has been designed and tested in accordance with the provisions set forth in 21 CFR 1040.20. Such protective eyewear must have been determined to allow for the required protection to ultraviolet radiation while also allowing for adequate vision to maintain balance and location of the tanning equipment's 'emergency cut-off' switch.

"Radiation" means ultraviolet radiation.

"Radiation machine" means any device capable of producing radiation.

"Registrant" means any person who obtains a permit or other entitlement from the Agency, and who is obligated to obtain such permit or other entitlement from the Department pursuant to the Act and this Part.

"Registration" means registration with the Department in accordance with this Part.

"Tanning equipment" means sunlamp products and ultraviolet lamps intended to induce skin tanning through the irradiation of any part of the living body. (Section 5 of the Act) Tanning equipment includes,

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENTS

but is not limited to, protective eyewear, accurate timers, original equipment lamp type, protective barriers, handrails, warning labels, recommended exposure schedules, and recommended exposure distances. Tanning equipment shall be manufactured in accordance with 21 CFR 1040.20 ~~(Section 5 of the Act)~~.

"Tanning facility" or "Tanning facilities" means a room or a booth or a group of rooms or booths, structure or business *that houses ultraviolet lamps or products containing lamps intended for the irradiation of any part of the living body for cosmetic or nonmedical related purposes but does not include any hotel or motel guest rooms where sunlamps are installed in the restroom area.* (Section 5 of the Act)~~:~~

"Ultraviolet radiation" means electromagnetic radiation with wavelengths in air between two hundred (200) nanometers and four hundred (400) nanometers.

(Source: Emergency amendment at 19 Ill. Reg. 11649, effective August 1, 1995, for a maximum of 150 days)

Section 795.60 Application for Permit to Operate a Tanning Facility

a) Each person having a tanning facility in operation on the effective date of this Part shall apply to the Department for a permit to operate such facility within ~~ninety-(~~ 90~~)~~ days following the effective date of this Part or, thereafter, prior to acquiring or establishing the operation of a tanning facility. Application for the permit shall be completed on forms prescribed by and available from the Department and shall contain all the information required by the form and any accompanying instructions. Unless otherwise stated, the term "application" as used herein shall include original and renewal applications.

b) In the event of a change of ownership, the new owner shall apply for a permit to operate a tanning facility prior to taking possession of the property. A provisional permit may be issued by the Department until an initial inspection for a permit can be performed by the Department or its designated agent.

c) The Department shall require at least the following information on the Application for Permit to Operate a Tanning Facility form:
 1) name, physical address, mailing address and telephone number(s) of the following:
 A) the tanning facility;
 B) the applicant (owner[s]) of the tanning facility;
 2) the manufacturer, model number, serial number, year and month of manufacture, and type of each ultraviolet lamp or piece of tanning equipment located within the facility;
 3) the primary function of the business in which the tanning facility is located;
 4) the geographic areas within the State to be covered, if the facility is mobile;
 5) copies of any posted warnings or other notices which are not required by this Part and which address the safe or proper use of tanning equipment and protective devices;
 6) copies of consent forms and statements which consumers, parents or guardians will be required to sign pursuant to this Part;
 7) names and addresses of the tanning equipment supplier(s), installer(s), and service agent(s);
 8) a copy of the operating procedures to be used in the tanning facility;
 9) the hours of operation of the tanning facility;
 10) the name of the on-site manager of the tanning facility;
 11) a signed and dated certification that the applicant has received, read and understood the requirements of this Part.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENTS

d) Each applicant shall provide such additional information as the Department may reasonably require.

e) Each initial application shall be submitted with a nonrefundable $250 fee.

f) Each annual renewal application shall be submitted with a nonrefundable $150 fee, except that each expired facility shall pay a nonrefundable $250 fee for renewal of the permit.

g) If the owner owns or operates more than one tanning facility, the owner shall file a separate application and submit a separate fee for each facility owned and operated.

h) Expired facilities that fail to pay a nonrefundable $250 permit renewal fee within 60 days after the permit expiration shall submit a new permit application and comply with all new facility requirements in order to receive a tanning facility permit.

(Source: Emergency amendment at 19 Ill. Reg. 11648, effective August 1, 1995, for a maximum of 150 days)

Section 795.90 Renewal of Permit to Operate a Tanning Facility

a) Application for renewal of a permit shall be filed in accordance with Section 795.60.

b) In order to renew a permit, a permitee shall file a complete application for renewal with the Department not less than thirty (30) days prior to the expiration of his/her permit, whereupon the permitee's existing permit shall not expire until the renewal application status has been finally determined by the Department.

c) The Department may refuse to renew the permit of any owner or operator who has been found to be in violation of the Act or this Part for the safe operation of tanning facilities.

d) Each tanning facility shall be inspected at least once each year after the initial year in which the facility was granted a permit.

DEPARTMENT OF PUBLIC HEALTH

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e) Each tanning facility which fails to submit an application for renewal of its permit to operate a tanning facility prior to the expiration of the permit shall pay a nonrefundable $250 fee for the renewal of the permit.

f) Any facility that fails to submit a complete renewal application and fee as required in this Part shall be deemed to be operating without a permit and shall be subject to prosecution therefor.

g) A facility subject to prosecution pursuant to subsection (f) of this Section may continue operation upon submission by the facility owner of a new, fully completed permit application in accordance with Section 795.60(c), (d) and (e), including a nonrefundable $250 fee, and correction, to the satisfaction of the Department, of every deficiency found by the Department and its agents in the most recent inspection. Permits issued pursuant to such application shall expire one year from the expiration date of the previously issued permit.

(Source: Emergency amendment at 19 Ill. Reg. 11648, effective August 1, 1995, for a maximum of 150 days)

DEPARTMENT OF LABOR

NOTICE OF REFUSAL TO MODIFY
TO MEET THE OBJECTION OF THE JOINT COMMITTEE
ON ADMINISTRATIVE RULES

1) Heading of the Part: Health and Safety

2) Code Citation: 56 Ill. Adm. Code 350

3) Section Numbers: Action:

350.210	refusal
350.280	refusal

4) Date Notice of Proposed Rules Published in the Register:

March 10, 1995 19 Ill. Reg. 2603

5) Date JCAR Statement of Objection Published in the Register:

August 11, 1995 19 Ill. Reg. 11664

6) Summary of Action Taken by the Agency:

JCAR has objected to IDOL's proposed amendment on the grounds that the rulemaking is economically overburdensome to units of local government. Due to the Department's statutory mandate, the Department does not have the authority to modify the rulemaking to meet the Joint Committee's objections. The Health and Safety Act mandates that the Department adopt the OSHA standards as its rules and apply them to all political subdivisions, without exception. Accordingly, the Department has no choice but to adopt the proposed rulemaking without modification.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF MODIFICATION
TO MEET THE OBJECTION OF THE JOINT COMMITTEE ON ADMINISTRATIVE RULES

1) Heading of the Part: Intermediate Care for the Developmentally Disabled Facilities Code

2) Code Citation:

77 Ill. Adm. Code 350

3) Section Numbers: Action:

350.200	Amendments
350.270	Amendments
350.330	Amendments
350.1080	New Section
350.1082	New Section
350.1084	New Section
350.1086	New Section
350.1220	Amendments
350.1420	Amendments
350.3750	Amendments
350.3760	Amendments
330.Appendix E	New Section

4) Date Notice of Proposed Rules Published in the Illinois Register:

July 29, 1994 (18 Ill. Reg. 11714)

5) Date JCAR Statement of Objection Published In the Illinois Register: August 11, 1995.

6) Summary of Action Taken by the Agency:

The Department will make the following modifications in response to the Joint Committee's Objections:

a. In Section 350.330, the Department will delete the definitions of "Chemical restraint", "Convenience", "Discipline" and "Physical Restraint". The Department will remove the strike outs from the definitions of "Restraint of a Resident" and "Safety Device".

b. Sections 350.1080, 350.1082, 350.1084, 350.1086, and 350.1220 will be removed from the rulemaking.

c. In Section 350.1420(b), lines 1802-1803, the language "and Section 350.Appendix E," will be deleted.

d. Section 350.Appendix E will be deleted from the rulemaking.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF MODIFICATION
TO MEET THE OBJECTION OF THE JOINT COMMITTEE ON ADMINISTRATIVE RULES

1) Heading of the Part: Long-Term Care for Under Age 22 Facilities Code

2) Code Citation: 77 Ill. Adm. Code 390

3) Section Numbers: Proposed Action:

390.200	Amendments
390.270	Amendments
390.330	Amendments
390.1040	Amendments
390.1310	Amendments
390.1312	New Section
390.1314	New Section
390.1316	New Section
390.1320	Amendments
390.1330	Repealer
390.1420	Amendments
330.Appendix C	New Section

4) Date Notice of Proposed Rules Published in the Illinois Register: July 29, 1994 (18 Ill. Reg. 11771)

5) Date JCAR Statement of Objection Published in the Illinois Register: August 11, 1995

6) Summary of Action Taken by the Agency:

The Department will make the following modifications in response to the Joint Committee's Objection:

1. In Section 390.330, the definitions for "Chemical restraint", "Convenience", "Discipline", and "Physical Restraint" will be deleted from the rulemaking. The strike outs will be removed from the definitions of "Restraint", "Restriction" and "Safety Device".

2. In Section 390.1040(o), the language "side rails on beds and restraints" will be deleted; the strike outs will be removed from the language "~~side rails on beds~~" and "~~safety devices~~".

3. In Section 390.1040(s), strike outs will be removed except for "~~(B)~~" and the renumbering system will be returned to the existing format.

4. Strike outs will be removed from the heading of Subpart F.

5. Sections 390.1310, 390.1312, 390.1314, 390.1316, 390.1320 and 390.1330 will be removed from the rulemaking.

6. In Section 390.1420(b), the language "and Section 390.Appendix C,"

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF MODIFICATION
TO MEET THE OBJECTION OF THE JOINT COMMITTEE ON ADMINISTRATIVE RULES

will be deleted.

7. Section 390.Appendix C will be removed from the rulemaking.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF MODIFICATION

TO MEET THE OBJECTION OF THE JOINT COMMITTEE ON ADMINISTRATIVE RULES

1) Heading of the Part: Sheltered Care Facilities Code

2) Code Citation: 77 Ill. Adm. Code 330

3)

Section Numbers:	Proposed Action:
330.270	Amendments
330.330	Amendments
330.1140	Repealer
330.1145	New Section
330.1150	New Section
330.1155	New Section
330.Appendix E	New Section

4) Date Notice of Proposed Rules Published in the Illinois Register: July 29, 1994 (18 Ill. Reg. 11829)

5) Date JCAR Statement of Objection Published in the Illinois Register: August 11, 1995

6) Summary of Action Taken by the Agency:

The Department will make the following modifications in response to Joint Committee's Objection:

a. In Section 330.330, the Department will delete the definitions of "Chemical restraint", "Convenience", "Discipline", and "Physical Restraint". The Department will remove the strike outs from the definitions of "Restraint of a Resident" and "Safety Device".

b. Section 330.1140 will not be repealed and will be removed from the rulemaking.

c. Sections 330.1145, 330.1150, 330.1155 and 330.Appendix E will be removed from the rulemaking.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF MODIFICATION
TO MEET THE OBJECTION OF THE JOINT COMMITTEE ON ADMINISTRATIVE RULES

1) Heading of the Part: Skilled Nursing and Intermediate Care Facilities Code

2) Code Citation:

77 Ill. Adm. Code 300

3)

Section Numbers:	Action:
300.200	Amendments
300.270	Amendments
300.330	Amendments
300.680	Amendments
300.682	New Section
300.684	New Section
300.686	New Section
300.1040	Repealer
300.1210	Amendments
300.1620	Amendments
300.Appendix F	New Section

4) Date Notice of Proposed Rules Published in the Illinois Register:

July 29, 1994 (18 Ill. Reg. 11873)

5) Date JCAR Statement of Objection Published in the Illinois Register: August 11, 1995

6) Summary of Action Taken by the Agency:

The Department will make the following modifications in response to the Joint Committee's Objection:

a. Section 300.330 - The Department will delete the definitions of "Chemical Restraint", "Convenience", "Discipline", and "Physical Restraint". The Department will remove the strike outs from the definitions of "Restraint of a Resident" and "Safety Device".

b. Sections 300.680, 300.682, 300.684, and 300.686 will be deleted from the rulemaking.

c. The Department will not repeal Section 300.1040.

d. Section 300.1210 will be removed from the rulemaking.

e. In Section 300.1620(c), the language ", and Section 300.Appendix F"

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF MODIFICATION
TO MEET THE OBJECTION OF THE JOINT COMMITTEE ON ADMINISTRATIVE RULES

will be deleted from the rulemaking.

f. Section 300.Appendix F will be deleted from the rulemaking.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

STATEMENT OF OBJECTION
TO PROPOSED RULEMAKING

DEPARTMENT OF LABOR

Heading of the Part: Health and Safety

Code Citation: 56 Ill Adm Code 350

Section Numbers: 350.28
350.210

Date Originally Published in the Illinois Register: 3/10/95
19 Ill Reg 2603

At its meeting on July 25, 1995, the Joint Committee on Administrative Rules objected to the Department of Labor's rulemaking entitled Health and Safety (56 Ill Adm Code 350) because it is economically overburdensome to units of local government.

Failure of the agency to respond within 90 days after receipt of the Statement of Objection shall be deemed to be a refusal to respond under the Administrative Procedure Act and shall constitute withdrawal of this proposed rulemaking.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

STATEMENT OF RECOMMENDATION TO
EMERGENCY RULEMAKING

DEPARTMENT OF PUBLIC AID

Heading of the Part: Medical Assistance Programs

Code Citation: 89 Ill Adm Code 120

Date Originally Published in the Illinois Register: 7/7/95
19 Ill Reg 9280

At its meeting on July 25, 1995, the Joint Committee on Administrative Rules recommended the Department of Public Aid make every effort to commence its rulemaking activity in a timely manner to avoid reliance on the emergency rulemaking process solely because of an agency created emergency. JCAR further recommends that the agency take due care in the future to not depict, in its official notice to the public of rulemaking activity, that the emergency rulemaking process is being used as authorized by PA 89-21 for measures not initiated because of that Public Act. In this particular instance, the underlying statute was enacted in 1991, and the accompanying permanent rulemaking was proposed 5/19/95, before enactment of PA 89-21.

Failure of the agency to respond within 90 days after receipt of the Statement of Recommendation shall be deemed a refusal.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

STATEMENT OF OBJECTION
TO PROPOSED RULEMAKING

DEPARTMENT OF PUBLIC HEALTH

Heading of the Part: Intermediate Care for the Developmentally Disabled Facilities Code

Code Citation: 77 Ill Adm Code 350

Section Numbers: 350.200 350.270
350.330 350.630
350.1060 350.1080
350.1082 350.1084
350.1086 350.1220
350.1420 350.3750
350.3760 350.Appendix E

Date Originally Published in the Illinois Register: 7/29/94
18 Ill Reg 11714

At its meeting on July 25, 1995, the Joint Committee on Administrative Rules objected to the Department of Public Health's rulemaking entitled "Intermediate Care for the Developmentally Disabled Facilities Code" (77 Ill Adm Code 350), because DPH's reliance upon a broad definition of physical restraint has caused DPH to treat assistive and safety devices in a manner identical to physical restraints used for staff convenience and residential discipline. PA 88-413 specifies that the Department is to "designate by rule certain devices as restraints", but the Department has failed to implement the intent of the statute that the agency should exercise reasonable judgment in designating the use of physical restraint the statute intends to control; i.e., the use of physical restraint for the convenience of facility staff or as punishment. The agency has failed to provide adequate justification and rationale for treating all physical restraint as if it were injurious to the facility resident.

Failure of the agency to respond within 90 days after receipt of the Statement of Objection shall be deemed to be a refusal to respond under the Administrative Procedure Act and shall constitute withdrawal of this proposed rulemaking.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

STATEMENT OF OBJECTION
TO PROPOSED RULEMAKING

DEPARTMENT OF PUBLIC HEALTH

Heading of the Part: Long-Term Care for Under Age 22 Facilities Code

Code Citation: 77 Ill Adm Code 390

Section Numbers: 390.200 390.270 390.330
390.1040 390.1310 390.1312
390.1314 390.1316 390.1320
390.1330 390.1420 390.Appendix C

Date Originally Published in the Illinois Register: 7/29/94
18 Ill Reg 11771

At its meeting on July 25, 1995, the Joint Committee on Administrative Rules objected to the Department of Public Health's rulemakings entitled "Long-Term Care for Under Age 22 Facilities Code" (77 Ill Adm Code 390), because DPH's reliance upon a broad definition of physical restraint has caused DPH to treat assistive and safety devices in a manner identical to physical restraints used for staff convenience and residential discipline. PA 88-413 specifies that the Department is to "designate by rule certain devices as restraints", but the Department has failed to implement the intent of the statute that the agency should exercise reasonable judgment in designating the use of physical restraint the statute intends to control; i.e., the use of physical restraint for the convenience of facility staff or as punishment. The agency has failed to provide adequate justification and rationale for treating all physical restraint as if it were injurious to the facility resident.

Failure of the agency to respond within 90 days after receipt of the Statement of Objection shall be deemed to be a refusal to respond under the Administrative Procedure Act and shall constitute withdrawal of this proposed rulemaking.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

STATEMENT OF OBJECTION
TO PROPOSED RULEMAKING

DEPARTMENT OF PUBLIC HEALTH

Heading of the Part: Sheltered Care Facilities Code

Code Citation: 77 Ill Adm Code 330

Section Numbers: 330.270
330.330
330.1140
330.1145
330.Appendix E

Date Originally Published in the Illinois Register: 7/29/94
18 Ill Reg 11829

At its meeting on July 25, 1995, the Joint Committee on Administrative Rules objected to the Department of Public Health's rulemaking entitled "Sheltered Care Facilities Code" (77 Ill Adm Code 330), because DPH's reliance upon a broad definition of physical restraint has caused DPH to treat assistive and safety devices in a manner identical to physical restraints used for staff convenience and residential discipline. PA 88-413 specifies that the Department is to "designate by rule certain devices as restraints", but the Department has failed to implement the intent of the statute that the agency should exercise reasonable judgment in designating the use of physical restraint the statute intends to control; i.e., the use of physical restraint for the convenience of facility staff or as punishment. The agency has failed to provide adequate justification and rationale for treating all physical restraint as if it were injurious to the facility resident.

Failure of the agency to respond within 90 days after receipt of the Statement of Objection shall be deemed to be a refusal to respond under the Administrative Procedure Act and shall constitute withdrawal of this proposed rulemaking.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

STATEMENT OF OBJECTION
TO PROPOSED RULEMAKING

DEPARTMENT OF PUBLIC HEALTH

Heading of the Part: Skilled Nursing and Intermediate Care Facilities Code

Code Citation: 77 Ill Adm Code 300

Section Numbers: 300.200 300.270
300.330 300.680
300.682 300.684
300.686 300.1040
300.1210 300.1620
300. Appendix F

Date Originally Published in the Illinois Register: 7/29/94
18 Ill Reg 11873

At its meeting on July 25, 1995, the Joint Committee on Administrative Rules objected to the Department of Public Health's rulemaking entitled "Skilled Nursing and Intermediate Care Facilities Code" (77 Ill Adm Code 300), because DPH's reliance upon a broad definition of physical restraint has caused DPH to treat assistive and safety devices in a manner identical to physical restraints used for staff convenience and residential discipline. PA 88-413 specifies that the Department is to "designate by rule certain devices as restraints", but the Department has failed to implement the intent of the statute that the agency should exercise reasonable judgment in designating the use of physical restraint the statute intends to control; i.e., the use of physical restraint for the convenience of facility staff or as punishment. The agency has failed to provide adequate justification and rationale for treating all physical restraint as if it were injurious to the facility resident.

Failure of the agency to respond within 90 days after receipt of the Statement of Objection shall be deemed to be a refusal to respond under the Administrative Procedure Act and shall constitute withdrawal of this proposed rulemaking.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

STATEMENT OF RECOMMENDATION TO
EMERGENCY RULEMAKING

DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

Heading of the Part: Processing, Classification Policies and Review Criteria

Code Citation: 77 Ill Adm Code 1110

Date Originally Published in the Illinois Register: 6/16/95
19 Ill Reg 7981

At its meeting on July 25, 1995, the Joint Committee on Administrative Rules recommended the Department of Public Health/Health Facilities Planning Board, in the future, the Health Facilities Planning Board make every effort to commence its rulemaking activity in a timely manner to avoid reliance on the emergency rulemaking process solely because of an agency created emergency. As the Board points out, this rulemaking is an integral factor in its new ESRD policy. Thus, the Board should have planned for this rulemaking and proposed it at the same time as the related rulemaking at 77 Ill Adm Code 1130, which did not require emergency rulemaking.

Failure of the agency to respond within 90 days after receipt of the Statement of Recommendation shall be deemed a refusal.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

STATEMENT OF RECOMMENDATION TO
EMERGENCY RULEMAKING

ILLINOIS RACING BOARD

Heading of the Part: Procedures for License Hearings

Code Citation: 11 Ill Adm Code 205

Date Originally Published in the Illinois Register: 6/16/95
19 Ill Reg 8011

At its meeting on July 25, 1995, the Joint Committee on Administrative Rules recommended that when the Racing Board adopts its permanent rulemaking that corresponds with this emergency rule, it delineate and define terms; clearly state timeframes; explain what kind of ex parte communications will be considered by the Board to be "in the best interest of racing" or list the standards the Board will use in determining if an ex parte communication is in the best interest of racing; clarify calculation of deadlines; and clarify in what situations the Board will exercise its discretion not to reaward vacant dates.

Failure of the agency to respond within 90 days after receipt of the Statement of Recommendation shall be deemed a refusal.

ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL

NOTICE OF CORRECTIONS TO NOTICE ONLY

1) Heading of the Part: Data Collection

2) Code Citation: 77 Ill. Adm. Code 2510

3) The Notice of Proposed Amendments being corrected appeared at: 19 Ill. Reg. 10927; July 28, 1995

4) The information being corrected is as follows: Number 5 of Notice Page being changed to read: "Appendix D is being amended to change the effective date of the amendment requiring hospitals to submit data using the format in Appendix D from August 14, 1995 to August 1997. This change in date is required because of budget constraints."

DEPARTMENT OF INSURANCE

REQUEST FOR EXEPEDITED CORRECTION

1) Heading of the Part: Summary Document and Disclaimer

2) Code Citation: 50 Ill. Adm. Code 3401

3) Section Numbers: 3401.Illustration A

4) Date Proposal published in Illinois Register: January 27, 1995, 19 Ill. Reg. 784

5) Date Adoption published in Illinois Register: July 7, 1995, 19 Ill Reg. 9134

6) Summary and Purpose of Expedited Correction: No insurer shall deliver a policy or contract described in Section 531.03(2)(a) of the Illinois Insurance Code [215 ILCS 5/531.03(2)(a)], and not excluded under Section 531.03(2)(b) [215 ILCS 5/531.03(2)(b)], to a policy or contract holder unless the Summary Document and Disclaimer prescribed in Illustration A of this Part are delivered prior to, or at the time of delivery of, such policy or contract. Illustration A contains a typographical error which will result in causing the insurance industry to expend time, money and effort on creating the required Disclaimer and Summary Document only to issue them in error. Consumers seeking information will be calling the wrong telephone for the Guaranty Association.

7) Information and questions regarding this request shall be directed to

Cindy Stephenson
Department of Insurance
320 West Washington Street
Springfield, Illinois 62767
(217) 782-1785

DEPARTMENT OF INSURANCE

REQUEST FOR EXEPEDITED CORRECTION

TITLE 50: INSURANCE
CHAPTER I: DEPARTMENT OF INSURANCE
SUBCHAPTER ll: LIFE AND HEALTH INSURANCE GUARANTY ASSOCIATION

PART 3401
SUMMARY DOCUMENT AND DISCLAIMER

Section
3401.10 Applicability
3401.20 Purpose
3401.30 Definitions
3401.40 Delivery of Documents Required
ILLUSTRATION A Disclaimer and Summary Document

AUTHORITY: Implementing and authorized by Section 531.19 of the Illinois Insurance Code [215 ILCS 5/531.19].

SOURCE: Adopted at 19 Ill. Reg. 9134, effective July 1, 1995; expedited correction at 19 Ill. Reg. _____, effective July 1, 1995.

DEPARTMENT OF INSURANCE

REQUEST FOR EXEPEDITED CORRECTION

Section 3401.ILLUSTRATION A Disclaimer and Summary Document

ILLINOIS
LIFE AND HEALTH INSURANCE GUARANTY
ASSOCIATION LAW

Residents of Illinois who purchase health insurance, life insurance, and annuities should know that the insurance companies licensed in Illinois to write these types of insurance are members of the Illinois Life and Health Insurance Guaranty Association. The purpose of this Guaranty Association is to assure that policyholders will be protected, within limits, in the unlikely event that a member insurer becomes financially unable to meet its policy obligations. If this should happen, the Guaranty Association will assess its other member insurance companies for the money to pay the covered claims of policyholders that live in Illinois (and their payees, beneficiaries, and assignees) and, in some cases, to keep coverage in force. The valuable extra protection provided by these insurers through the Guaranty Association is not unlimited, however, as noted below.

ILLINOIS LIFE AND
HEALTH INSURANCE GUARANTY ASSOCIATION
DISCLAIMER

The Illinois Life and Health Insurance Guaranty Association provides coverage of claims under some types of policies if the insurer becomes impaired or insolvent. COVERAGE MAY NOT BE AVAILABLE FOR YOUR POLICY. Even if coverage is provided, there are substantial limitations and exclusions. Coverage is generally conditioned on continued residence in Illinois. Other conditions may also preclude coverage.

You should not rely on availability of coverage under the Life and Health Insurance Guaranty Association Law when selecting an insurer. Your insurer and agent are prohibited by law from using the existence of the Association or its coverage to sell you an insurance policy.

The Illinois Life and Health Insurance Guaranty Association or the Illinois Department of Insurance will respond to any questions you may have which are not answered by this document. Policyholders with additional questions may contact:

Illinois Life and Health Insurance Guaranty Association
8420 West Bryn Mawr Avenue
Chicago, Illinois 60631
(312) 714-8050 ~~0000~~

Illinois Department of Insurance

DEPARTMENT OF INSURANCE

REQUEST FOR EXEPEDITED CORRECTION

320 West Washington Street
4th Floor
Springfield, Illinois 62767
(217) 782-4515

Summary of General Purposes And
Current Limitations of Coverage

The Illinois law that provides for this safety-net coverage is called the Illinois Life and Health Insurance Guaranty Association Law ("Law") [215 ILCS 5/531.01, et seq.]. The following contains a brief summary of the Law's coverages, exclusions, and limits. This summary does not cover all provisions, nor does it in any way change anyone's rights or obligations under the Law or the rights or obligations of the Guaranty Association. If you have obtained this document from an agent in connection with the purchase of a policy, you should be aware that its delivery to you does not guarantee that your policy is covered by the Guaranty Association.

a) Coverage:

The Illinois Life and Health Insurance Guaranty Association provides coverage to policyholders that reside in Illinois for insurance issued by members of the Guaranty Association, including:

1) life insurance, health insurance, and annuity contracts;
2) life, health or annuity certificates under direct group policies or contracts;
3) unallocated annuity contracts; and
4) contracts to furnish health care services and subscription certificates for medical or health care services issued by certain licensed entities. The beneficiaries, payees, or assignees of such persons are also protected, even if they live in another state.

b) Exclusions from Coverage:

1) The Guaranty Association does not provide coverage for:
 A) any policy or portion of a policy for which the individual has assumed the risk;
 B) any policy of reinsurance (unless an assumption certificate was issued);
 C) interest rate guarantees which exceed certain statutory limitations;
 D) certain unallocated annuity contracts issued to an employee benefit plan protected under the Pension Benefit Guaranty Corporation and any portion of a contract which is not issued to or in connection with a specific employee, union or association of natural persons benefit plan or a government lottery;

DEPARTMENT OF INSURANCE

REQUEST FOR EXEPEDITED CORRECTION

 E) any portion of a variable life insurance or variable annuity contract not guaranteed by an insurer; or
 F) any stop loss insurance.
2) In addition, persons are not protected by the Guaranty Association if:
 A) the Illinois Director of Insurance determines that, in the case of an insurer which is not domiciled in Illinois, the insurer's home state provides substantially similar protection to Illinois residents which will be provided in a timely manner; or
 B) their policy was issued by an organization which is not a member insurer of the Association.

c) Limits on Amount of Coverage:

1) The Law also limits the amount the Illinois Life and Health Insurance Guaranty Association is obligated to pay. The Guaranty Association's liability is limited to the lesser of either:
 A) the contractual obligations for which the insurer is liable or for which the insurer would have been liable if it were not an impaired or insolvent insurer, or
 B) with respect to any one life, regardless of the number of policies, contracts, or certificates:
 i) in the case of life insurance, $300,000 in death benefits but not more than $100,000 in net cash surrender or withdrawal values;
 ii) in the case of health insurance, $300,000 in health insurance benefits, including net cash surrender or withdrawal values; and
 iii) with respect to annuities, $100,000 in the present value of annuity benefits, including net cash surrender or withdrawal values, and $100,000 in the present value of annuity benefits for individuals participating in certain government retirement plans covered by an unallocated annuity contract. The limit for coverage of unallocated annuity contracts other than those issued to certain governmental retirement plans is $5,000,000 in benefits per contract holder, regardless of the number of contracts.
2) However, in no event is the Guaranty Association liable for more than $300,000 with respect to any one individual.

(Source: Expedited correction at 19 Ill. Reg. _____, effective July 1, 1995)

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF EXPEDITED CORRECTION

1) Heading of the Part: Dietetic and Nutrition Services Practice Act

2) Code Citation: 68 Ill. Adm. Code 1245

3) Section Number: Section 1245.100

4) Date Proposal Published in Illinois Register: December 9, 1994, at 18 Ill. Reg. 17408

5) Date Adoption published in Illinois Register: June 9, 1995, at 19 Ill. Reg. 7598

6) Date Request for Expedited Correction Published in Illinois Register:

July 7, 1995 (19 Ill. Reg. 9352)

7) Adoption Effective Date: May 26, 1995

8) Correction Effective Date: May 26, 1995

9) Reason for Approval of Expedited Correction:

In Section 1245.100(a)(1)(A), the words "current practice" were inadvertently dropped from the Second Notice text agreed to by JCAR and the Department. The public interest will be served by removing the confusion caused by the missing words for applicants seeking licensure in Illinois as dietitians under grandfather provisions.

The full text of the Corrected Rules begins on the following page.

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF EXPEDITED CORRECTION

TITLE 68: PROFESSIONS AND OCCUPATIONS
CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION
SUBCHAPTER B: PROFESSIONS AND OCCUPATIONS
PART 1245
DIETETIC AND NUTRITION SERVICES PRACTICE ACT

SUBPART A: DEFINITIONS

Section
1245.10 Definitions

SUBPART B: DIETITIAN

Section
1245.100 Application for Licensure as a Dietitian Under Section 60(a) of the Act (Grandfather)
1245.110 Application for Examination/Licensure
1245.120 Examination
1245.130 Approved Programs in Dietetics
1245.140 Experience
1245.150 Endorsement

SUBPART C: NUTRITION COUNSELOR

Section
1245.200 Application for Licensure as a Nutrition Counselor Under Section 60(b) of the Act (Grandfather)
1245.210 Application for Examination/Licensure
1245.220 Examination
1245.230 Approved Programs of Nutrition Counselors
1245.240 Experience
1245.250 Endorsement

SUBPART D: GENERAL

Section
1245.300 Renewal
1245.320 Inactive Status
1245.340 Granting Variances

AUTHORITY: Implementing the Dietetic and Nutrition Services Practice Act [225 ILCS 30] and authorized by Section 60(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/60(7)].

SOURCE: Adopted at 19 Ill. Reg. 7598, effective May 26, 1995; expedited correction at 19 Ill. Reg. _____, effective May 26, 1995.

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF EXPEDITED CORRECTION

SUBPART B: DIETITIAN

Section 1245.100 Application for Licensure as a Dietitian Under Section 60(a) of the Act (Grandfather)

a) Any person seeking a license without examination under Section 60(a) of the Dietetic and Nutrition Services Practice Act (the Act) shall file an application with the Department, on forms provided by the Department. The application shall be postmarked no later than December 31, 1995, and shall include the following:
 1) Verification of:
 A) current registration as a Registered Dietitian from the Commission on Dietetic Registration, the accrediting body for the American Dietetic Association, and verification of current practice in Illinois; or
 B) employment in the practice of dietetics, as defined in Section 10 of the Act, in Illinois for at least 3 of the last 5 years prior to January 1, 1992, for a minimum of 20 hours per week and certification of education and an official transcript from:
 i) A baccalaureate or post baccalaureate program in human nutrition, foods and nutrition, dietetics, food systems management or nutrition education from a school or program accredited by an accrediting agency recognized by the Commission on Recognition of Post-Secondary Accreditation (CORPA) and the United States Department of Education; or
 ii) A baccalaureate degree or post baccalaureate degree in an equivalent major course of study recommended by the Board and approved by the Department in accordance with Section 1245.130 of this Part;
 2) A complete work history since graduation from a baccalaureate program;
 3) The required fee set forth in Section 85(a) of the Act; and
 4) Certification, on forms provided by the Department, from the state or territory of the United States in which the applicant was originally licensed and the state in which the applicant is currently licensed, if applicable, stating:
 A) The time during which the applicant was licensed in that jurisdiction, including the date of original issuance of the license; and
 B) Whether the file on the applicant contains any record of disciplinary actions taken or pending.

b) Practice or employment in dietetics shall be documented by one or more of the following:
 1) Certification of experience, on forms provided by the Department, signed by an employer; or
 2) Three affidavits submitted by clients, peers or colleagues

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF EXPEDITED CORRECTION

familiar with the applicant's work.

c) When the accuracy of any submitted documentation or the relevance or sufficiency of the course work or experience is questioned by the Department or the Board because of lack of information, discrepancies or conflicts in information given or a need for clarification, the applicant seeking licensure shall be requested to:
 1) Provide such information as may be necessary; and/or
 2) Appear for an interview before the Board to explain such relevance or sufficiency, clarify information, or clear up any discrepancies or conflicts in information.

(Source: Expedited correction at 19 Ill. Reg. _____, effective May 26, 1995)

DEPARTMENT OF AGRICULTURE

JULY 1995 REGULATORY AGENDA

a) Part(s) (Heading and Code Citation): Illinois Pseudorabies Control Act, 8 Ill. Adm. Code 115

1) Rulemaking:

A) Description: Due to reorganization within the Department, all references to Division will be changed to Department. Cites to the Pseudorabies Eradication State-Federal-Industry Program Standards and the Code of Federal Regulations will be updated as necessary.

B) Statutory Authority: Illinois Pseudorabies Control Act [510 ILCS 90]

C) Schedule meeting/hearing date: Written comments concerning the rulemaking may be submitted to the agency contact person in subsection (F) prior to August 25, 1995.

Proposed amendments to this Part must be approved by the Advisory Board of Livestock Commissioners. This advisory board will meet in mid-October, and a public hearing on the proposed rulemaking will run concurrent with the public meeting of the advisory board. Written comments may also be submitted during the 45-day public comment period following publication of proposed rulemaking in the Illinois Register.

D) Date Agency anticipates First Notice: September, 1995.

E) Effect on small businesses, small municipalities or not for profit corporations: This rulemaking will have no adverse impact on small businesses.

F) Agency contact person for information:

Dr. Richard Hull
Illinois Department of Agriculture
P.O. Box 19281
Springfield, IL 62794-9281.
(217) 782-4944 or Fax: (217) 524-7702

POLLUTION CONTROL BOARD

NOTICE OF PUBLIC INFORMATION PURSUANT TO 415 ILCS 5/28.1(d)(3)

Section 28.1(d)(3) of the Environmental Protection Act (Act) [415 ILCS 5/28.1(d)(3)] requires the Pollution Control Board (Board) to annually publish in the Illinois Register a list of adjusted standards granted pursuant to Section 28.1. The following list indicates the adjusted standards granted by the Board during fiscal year 1995.

Direct all inquiries on these proceedings to Michael J. McCambridge, at 312-814-6924. Request copies of any of the Board's opinion and order in any of these proceedings from Victoria Agyeman, at 312-814-3620. **Please refer to the docket number** indicated for the particular proceeding.

Final Actions Taken by the Pollution Control Board in Adjusted Standards Proceedings during Fiscal Year 1995
(between July 1, 1994 and June 30, 1995)

Docket/Docket Title	Final Determination
AS 92-13: In the Matter of: Petition of Alumax Inc. for an Adjusted Standard from 35 Ill. Adm. Code 218	On September 1, 1994, the Board granted this Grundy County facility an adjusted standard from Section 218.986 of the air pollution control regulations pertaining to emissions of volatile organic material from "other emission units".
AS 93-8: In the Matter of: Petition of Akzo Chemicals, Inc. for an Adjusted Standard from 35 Ill. Adm. Code 304.105 and 302.208	On September 1, 1994, the Board granted this Grundy County facility an adjusted standard from the Section 304.105 and 302.208 general use water quality standards for boron, chloride, sulfate, and total dissolved solids.
AS 94-1: In the Matter of: Petition of Illinois Wood Energy Partners, L.P. for an Adjusted Standard From 35 Ill. Adm. Code 807 or, in the Alternative, a Finding of Inapplicability	On December 1, 1994, the Board found that this proposed Cook County facility would be a solid waste management facility, as defined by the Act and Board regulations; as a result of Wood Energy not filing an amended petition as ordered, the Board dismissed this petition for an adjusted standard from certain of the land pollution control (landfill) permit regulations.
AS 94-9: In the Matter of: Petition of the City of Springfield, Office of Public Utilities for an Adjusted Standard From 35 Ill. Adm. Code 302.208(e)	On December 1, 1994, the Board granted this Sangamon County respondent an adjusted standard from the Section 302.208(e) wastewater effluent boron requirements of the water pollution control regulations.

POLLUTION CONTROL BOARD

NOTICE OF PUBLIC INFORMATION PURSUANT TO 415 ILCS 5/28.1(d)(3)

AS 94-10: In the Matter of: Petition of Envirite Corporation For an Adjusted Standard From 35 Ill. Adm. Code 721, Subpart D: List of Hazardous Substances, Appendix I	On December 14, 1994, the Board granted this Cook County facility an adjusted standard delisting hazardous wastes. On February 16, 1995, the Board granted vacated and reissued its December 14, 1994 order granting an adjusted standard delisting up to 200,000 tons of treated residues from hazardous waste numbers F006 through F009, F011, F012, F019, K002 through K008, and K062.
AS 94-11: In the Matter of: Petition of Winnebago Reclamation Service, Inc. for an Adjusted Standard From 35 Ill. Adm. Code 811.710(c) and 811.713(c)(1)	On December 1, 1994, the Board granted this Winnebago County facility an adjusted standard from Sections 811.710(c) and 811.713(c)(1) of the land pollution control (landfill) financial assurance requirements to allow a form of trust and letter of credit accepted by U.S. EPA.
AS 94-12: In the Matter of: Petition of Waste Management of Illinois, Inc. for an Adjusted Standard From 35 Ill. Adm. Code Sections 807.665(b) and 811.714(b)	On April 6, 1995, the Board granted a number of facilities located throughout Illinois an adjusted standard from Sections 807.665(b) and 811.714(b) of the financial assurance requirements of the land pollution control (landfill) regulations, which require that an insurer providing financial assurance be licensed to transact insurance in Illinois.
AS 94-13: In the Matter of: Petition of Browning-Ferris Industries of Illinois, Inc.; Browning-Ferris Industries of Iowa, Inc.; and, BFI Modern Landfill, Inc. for an Adjusted Standard From 35 Ill. Adm. Code Section 811.714(b)	On December 14, 1994, the Board denied the request for an adjusted standard for five facilities located in Lake, Ogle, Rock Island, St. Clair, and DuPage Counties from Sections 807.665(b) and 811.714(b) of the financial assurance requirements of the land pollution control (landfill) regulations, which require that an insurer providing financial assurance be licensed to transact insurance in Illinois.
AS 94-14: In the Matter of: Petition of the City of Wood River For Adjusted Standard From Treatment of Overflows and Bypass Regulations 35 Ill. Adm. Code 306.305(a)	On November 3, 1994, the Board granted voluntary dismissal of this petition for an adjusted standard from the first flush treatment requirements and combined sewer overflow provisions of Section 306.305(a) and (b) of the water pollution control regulations, since the Madison County petitioner had not complied with the notice publication requirements.

POLLUTION CONTROL BOARD

NOTICE OF PUBLIC INFORMATION PURSUANT TO 415 ILCS 5/28.1(d)(3)

AS 94-16: In the Matter of: Petition of the City of Wood River for an Adjusted Standard From Treatment of Overflows and Bypass Regulations 35 Ill. Adm. Code 306.305(a) and (b)	On April 6, 1995, the Board granted this Madison County facility an adjusted standard from the first flush treatment requirements of the combined sewer overflow provisions of Section 306.305(a) and (b) of the water pollution control regulations.
AS 94-17: In the Matter of: The Joint Petition of the City of Metropolis and the EPA for an Adjusted Standard From Suspended Solids, (BOD[5]) and Ammonia Nitrogen Regulations at 35 Ill. Adm. Code Part 304	On January 11, 1995, the Board dismissed this petition for an adjusted standard from the Part 304 suspended solids and ammonia nitrogen effluent standards of the water pollution control regulations, since the Massac County petitioner had not complied with the notice publication requirements.
AS 95-2: In the Matter of: The Joint Petition of the IEPA and the City of Metropolis for an Adjusted Standard From 35 Ill. Adm. Code Part 304 for Suspended Solids, 5-Day Biological Oxygen Demand (BOD[5]), and Ammonia Nitrogen	On March 16, 1995, the Board dismissed this petition for an adjusted standard from the Part 304 suspended solids, biochemical oxygen demand, and ammonia nitrogen effluent standards of the water pollution control regulations, since the Massac County petitioner had not complied with the notice publication requirements.
AS 95-5: In the Matter of: Petition of Illinois Department of Transportation, District 8 for an Adjusted Standard From 35 Ill. Adm. Code 304.124 (Sludge Application)	On June 22, 1995, the Board granted voluntary withdrawal of this petition filed on behalf of a Madison County facility for an adjusted standard from the Section 304.124 requirements of the water pollution control regulations relating to land application of sewage sludge.

AGENDA

JAMES R. THOMPSON CENTER
ROOM 16-504
CHICAGO, ILLINOIS
10:00 A.M.
AUGUST 15, 1995

NOTICES: Due to Register submittal deadlines, the Agenda below is incomplete. Other items not contained in this published Agenda are likely to be considered by the Committee at its May meeting.

It is the policy of the Committee to allow only representatives of state agencies to testify orally on any rule under consideration at Committee hearings. If members of the public wish to express their views with respect to a proposed rule, they should submit written comments to the Office of the Joint Committee on Administrative Rules at the following address:

Joint Committee on Administrative Rules
700 Stratton Building
Springfield, Illinois 62706

RULEMAKINGS SCHEDULED FOR JCAR REVIEW

The following rulemakings are scheduled for review at this meeting. JCAR staff may be proposing action with respect to some of these rulemakings. JCAR members may have questions concerning, and may initiate action with respect to, any item scheduled for JCAR review and any other issues within the Committee's purview.

PROPOSED RULEMAKINGS

Children and Family Services

Relative Home Placement (89 Ill Adm Code 335)
-First Notice Published: 19 Ill Reg 6035 - 4/28/95
-Expiration of Second Notice Period: 9/3/95

Civil Service Commission

Civil Service Commission (80 Ill Adm Code 1)
-First Notice Published: 18 Ill Reg 13525 - 9/9/94
-Expiration of Second Notice Period: 9/8/95

Commerce Commission

Uniform Electric Fuel Adjustment (83 Ill Adm Code 425)

AGENDA

-First Notice Published: 18 Ill Reg 15473 - 10/21/94
-Expiration of Second Notice Period: 8/26/95

Conservation

Cock Pheasant, Hungarian Partridge, Bobwhite Quail, and Rabbit Hunting (17 Ill Adm Code 530)
-First Notice Published: 19 Ill Reg 7461 - 6/9/95
-Expiration of Second Notice Period: 9/7/95

Muskrat, Mink, Raccoon, Opossum, Striped Skunk, Weasel, Red Fox, Gray Fox, Coyote, Beaver and Woodchuck (Groundhog) Trapping (17 Ill Adm Code 570)
-First Notice Published: 19 Ill Reg 6381 - 5/12/95
-Expiration of Second Notice Period: 9/3/95

Duck, Goose and Coot Hunting (17 Ill Adm Code 590)
-First Notice Published: 19 Ill Reg 6040 - 4/28/95
-Expiration of Second Notice Period: 9/7/95

Health Care Cost Containment Council

Hospital Price Information (77 Ill Adm Code 2530)
-First Notice Published: 19 Ill Reg 6091 - 4/28/95
-Expiration of Second Notice Period: 8/27/95

Penalties (77 Ill Adm Code 2540)
-First Notice Published: 19 Ill Reg 6098 - 4/28/95
-Expiration of Second Notice Period: 8/27/95

Insurance

Long-Term Care Partnership Insurance (50 Ill Adm Code 2018)
-First Notice Published: 19 Ill Reg 2203 - 2/24/95
-Expiration of Second Notice Period: 9/9/95

Pollution Control Board

Clean Fuel Fleet Program (35 Ill Adm Code 241)
-First Notice Published: 19 Ill Reg 6101 - 4/28/95
-Expiration of Second Notice Period: 8/26/95

Professional Regulation

Veterinary Medicine and Surgery Practice Act of 1994 (68 Ill Adm Code 1500)
-First Notice Published: 19 Ill Reg 7296 - 6/2/95
-Expiration of Second Notice Period: 9/3/95

Public Aid

AGENDA

Medical Payment (89 Ill Adm Code 140)
-First Notice Published: 19 Ill Reg 6268 - 5/5/95
-Expiration of Second Notice Period: 9/8/95

Hospital Services (89 Ill Adm Code 148)
-First Notice Published: 19 Ill Reg 6449 - 5/12/95
-Expiration of Second Notice Period: 9/8/95

Child Support Enforcement (89 Ill Adm Code 160)
-First Notice Published: 18 Ill Reg 16510 - 11/14/94
-Expiration of Second Notice Period: 8/18/95

Racing Board

Programs (11 Ill Adm Code 415)
-First Notice Published: 19 Ill Reg 7140 - 5/26/95
-Expiration of Second Notice Period: 9/10/95

Jockeys, Apprentices, Jockey Agents, and Valets (11 Ill Adm Code 1411)
-First Notice Published: 19 Ill Reg 7301 - 6/2/95
-Expiration of Second Notice Period: 9/10/95

Rehabilitation

Confidentiality of Information (89 Ill Adm Code 505)
-First Notice Published: 19 Ill Reg 5940 - 4/21/95
-Expiration of Second Notice Period: 9/2/95

Therkelsen/Hansen College Loan Fund (89 Ill Adm Code 835)
-First Notice Published: 19 Ill Reg 5952 - 4/21/95
-Expiration of Second Notice Period: 9/2/95

Revenue

Retailers' Occupation Tax (86 Ill Adm Code 130)
-First Notice Published: 19 Ill Reg 4383 - 3/24/95
-Expiration of Second Notice Period: 9/3/95

EMERGENCY RULEMAKINGS

Aging

Community Care Program (89 Ill Adm Code 240) (Emergency)
-Notice Published: 19 Ill Reg 10186 - 7/14/95

Agriculture

Diseased Animals (8 Ill Adm Code 85) (Emergency)
-Notice Published: 19 Ill Reg 10734 - 7/21/95

AGENDA

Children and Family Services

Services Delivered by the Department (89 Ill Adm Code 302) (Emergency)
-Notice Published: 19 Ill Reg 10746 - 7/21/95

Access to and Eligibility for Child Welfare Services (89 Ill Adm Code 304) (Emergency)
-Notice Published: 19 Ill Reg 10738 - 7/21/95

Relative Home Placement (89 Ill Adm Code 335) (Emergency)
-Notice Published: 19 Ill Reg 10201 - 7/14/95

Licensing Standards for Foster Family Homes (89 Ill Adm Code 402) (Emergency)
-Notice Published: 19 Ill Reg 10743 - 7/21/95

Public Aid

General Administrative Provisions (89 Ill Adm Code 101) (Emergency)
-Notice Published: 19 Ill Reg 10220 - 7/14/95

Practice in Administrative Hearings (89 Ill Adm Code 104) (Emergency)
-Notice Published: 19 Ill Reg 10268 - 7/14/95

Aid to Families with Dependent Children (89 Ill Adm Code 112) (Emergency)
-Notice Published: 19 Ill Reg 10206 - 7/14/95

Medical Payment (89 Ill Adm Code 140) (Emergency)
-Notice Published: 19 Ill Reg 10252 - 7/14/95

Hospital Services (89 Ill Adm Code 148) (Emergency)
-Notice Published: 19 Ill Reg 10752 - 7/21/95

Hospital Reimbursement Changes (89 Ill Adm Code 152) (Emergency)
-Notice Published: 19 Ill Reg 10236 - 7/14/95

Long Term Care Reimbursement Changes (89 Ill Adm Code 153) (Emergency)
-Notice Published: 19 Ill Reg 10245 - 7/14/95

Savings and Residential Finance

Residential Mortgage License Act of 1987 (38 Ill Adm Code 1050) (Emergency)
-First Notice Published: 19 Ill Reg 11080 - 7/28/95

Savings Bank Act (38 Ill Adm Code 1075) (Emergency)
-Notice Published: 19 Ill Reg 10277 - 7/14/95

EXEMPT RULEMAKINGS

AGENDA

Pollution Control Board

Definitions and General Provisions (35 Ill Adm Code 211)
-Proposed Date: 5/12/95
-Adopted Date: 7/28/95

Outline of Waste Disposal Regulations (35 Ill Adm Code 700)
-Proposed Date: 3/24/95
-Adopted Date: 7/14/95

RCRA and UIC Permit Programs (35 Ill Adm Code 702)
-Proposed Date: 3/24/95
-Adopted Date: 7/14/95

RCRA Permit Program (89 Ill Adm Code 703)
-Proposed Date: 3/24/95
-Adopted Date: 7/14/95

Procedures for Permit Issuance (35 Ill Adm Code 705)
-Proposed Date: 3/24/95
-Adopted Date: 7/14/95

Hazardous Waste Management System: General (35 Ill Adm Code 720)
-Proposed Date: 3/24/95
-Adopted Date: 7/14/95

Identification and Listing of Hazardous Waste (35 Ill Adm Code 721)
-Proposed Date: 3/24/95
-Adopted Date: 7/14/95

Standards Applicable to Generators of Hazardous Waste (35 Ill Adm Code 722)
-Proposed Date: 3/24/95
-Adopted Date: 7/14/95

Standards Applicable to Transporters of Hazardous Waste (35 Ill Adm Code 723)
-Proposed Date: 3/24/95
-Adopted Date: 7/14/95

Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities (35 Ill Adm Code 724)
-Proposed Date: 3/24/95
-Adopted Date: 7/14/95

Interim Status Standards for Owners and Operators of Hazardous Treatment, Storage, and Disposal Facilities (35 Ill Adm Code 725)
-Proposed Date: 3/24/95
-Adopted Date: 7/14/95

AGENDA

Standards for the Management of Specific Hazardous Waste and Specific Types of Hazardous Waste Management Facilities (35 Ill Adm Code 726)
-Proposed Date: 3/24/95
-Adopted Date: 7/14/95

Land Disposal Restrictions (35 Ill Adm Code 728)
-Proposed Date: 3/24/95
-Adopted Date: 7/14/95

Underground Injection Control Operating Requirements (35 Ill Adm Code 730)
-Proposed Date: 3/24/95
-Adopted Date: 7/15/95

Hazardous Waste Injection Restrictions (35 Ill Adm Code 738)
-Proposed Date: 3/24/95
-Adopted Date: 7/14/95

Standards for the Management of Used Oil (35 Ill Adm Code 739)
-Proposed Date: 3/24/95
-Adopted Date: 7/14/95

AGENCY RESPONSES

Labor

Health and Safety (56 Ill Adm Code 350)
-First Published: 19 Ill Reg 2603 - 3/10/95
-Objection Date: 7/25/95
-Response: Refusal

Public Health

Skilled Nursing and Intermediate Care Facilities Code (77 Ill Adm Code 300)
-First Published: 18 Ill Reg 11873 - 7/29/94
-Objection Date: 7/25/95
-Response: Modification

Sheltered Care Facilities Code (77 Ill Adm Code 330)
-First Published: 18 Ill Reg 11829 - 7/29/94
-Objection Date: 7/25/95
-Response: Modification

Intermediate Care for the Developmentally Disabled Facilities Code (77 Ill Adm Code 350)
-First Published: 18 Ill Reg 11714 - 7/29/94
-Objection Date: 7/25/95
-Response: Modification

Long-Term Care for Under Age 22 Facilities Code (77 Ill Adm Code 390)

AGENDA

-First Published: 18 Ill Reg 11771 - 7/29/94
-Objection Date: 7/25/95
-Response: Modification

Revenue

Property Tax Code (86 Ill Adm Code 110)
-First Published: 19 Ill Reg 2476 - 3/3/95
-Recommendation Date: 4/18/95
-Response: No Response

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of July 25, 1995 through July 31, 1995, and have been scheduled for review by the Committee at its August 15, 1995 meeting. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rule should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, [illegible] Stratton Bldg., Springfield, IL 62706.

Second Notice Expires	Agency and Rule	Start of First Notice	JCAR Meeting
9/7/95	Department of Conservation, Duck, Goose and Coot Hunting (17 Ill Adm Code 590)	4/28/95 19 Ill Reg 6040	8/15/95
9/7/95	Department of Conservation, Cock Pheasant, Hungarian Partridge, Bobwhite Quail, and Rabbit Hunting (17 Ill Adm Code 530)	6/9/95 19 Ill Reg 7461	8/15/95
9/8/95	Civil Service Commission, Civil Service Commission (80 Ill Adm Code 1)	9/9/94 18 Ill Reg 13525	8/15/95
9/8/95	Department of Public Aid, Medical Payment (89 Ill Adm Code 140)	5/5/95 19 Ill Reg 6268	8/15/95
9/8/95	Department of Public Aid, Hospital Services (89 Ill Adm Code 148)	5/12/94 19 Ill Reg 6449	8/15/95
9/9/95	Department of Insurance, Long-Term Care Partnership Insurance (50 Ill Adm Code 2018)	2/24/95 19 Ill Reg 2203	8/15/95
9/10/95	Illinois Racing Board, Programs (11 Ill Adm Code 415)	5/26/95 19 Ill Reg 7[illegible]	8/15/95
9/10/95	Illinois Racing Board, Jockeys, Apprentices, Jockey Agents, and Valets (11 Ill Adm Code 1411)	6/2/95 19 Ill Reg 7301	8/15/95

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

PROCLAMATIONS

95-355
SCHOOL NURSES WEEK

Whereas, school nurses are important for the physical, social, and emotional needs of the children of Illinois; and

Whereas, Anne Blinn Faist has been a certified school nurse in the Mascoutah School District #19 since 1971; and

Whereas, because of her dedication to the children of Mascoutah School District #19, Mrs. Faist will receive the 1994 Illinois School Nurse of the Year Award; and

Whereas, Mrs. Faist is a credit to her profession and an outstanding representative of all school nurses in Illinois;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim June 25-30, 1995, as SCHOOL NURSES WEEK in Illinois and urge all citizens to remember school nurses like Anne Blinn Faist and their contributions to our children.

Issued by the Governor June 22, 1995.
Filed by the Secretary of State July 7, 1995.

95-356
VIENNA DAY

Whereas, Vienna, a town in Southern Illinois, has the zip code of 62995; and

Whereas, June 29, 1995, or 6-29-95, will mark a day in history where Vienna's zip code will match the date; and

Whereas, according to Vienna's Postmaster, this phenomenon occurs but once a century; and

Whereas, the noble citizens of Vienna will gather in the town post office on 6-29-95 to celebrate this rare occurrence; and

Whereas, stamp collectors from around the world are expected to travel to Vienna on that day to obtain the official cancellation that was designed specifically for this event;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim June 29, 1995, (6-29-95), as VIENNA DAY in Illinois and urge all citizens to join Vienna in this memorable celebration.

Issued by the Governor June 22, 1995
Filed by the Secretary of State July 7, 1995

95-357
CHILD SUPPORT AWARENESS MONTH

Whereas, children are our most important resource and their welfare is Illinois' highest priority; and

Whereas, the Illinois Department of Public Aid, Division of Child Support Enforcement, has set high goals of increasing the number of child support orders, paternity establishments, and the amount of child support collected each year; and

Whereas, both parents have the duty to use all sources on income wisely for the support of their children; and

Whereas, Illinois is committed to reducing welfare dependence through increased public awareness of the importance of child support;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim August 1995 as CHILD SUPPORT AWARENESS MONTH in Illinois.

Issued by the Governor June 30, 1995.

Filed by the Secretary of State July 7, 1995.

95-358
JOHN ROSEQUIST EXPRESS DAY

Whereas, the Mascoutah Improvement Association enhanced Sheve Park with a restored 1906 platform rail car for all citizens of Mascoutah to use and enjoy; and

Whereas, the restored rail car became a reality through the effort of friends, organizations, and through the time and effort of the Mascoutah Improvement Association; and

Whereas, the effort was the dream of the late John Rosequist, whose original donation of $10,000 helped the dream become reality; and

Whereas, after three years of hard work and dedication on the part of the Mascoutah Improvement Association, the rail car can now be used for meetings, tours and special events;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim July 2, 1995, as JOHN ROSEQUIST EXPRESS DAY in Illinois.

Issued by the Governor June 30, 1995.

Filed by the Secretary of State July 7, 1995.

95-359
TEACHERS WEEK

Whereas, the Teacher of the Year Award Program was started in 1952 by President Dwight Eisenhower in order to recognize the importance of teachers as nurturers of the "American Dream"; and

Whereas, the National Teacher of the Year represents all dedicated teachers; and

Whereas, the National State Teachers of the Year (NSTOY) organization is comprised of outstanding teachers who were selected as state or U.S. protectorate recipients of a Teacher of the Year Award; and

Whereas, members of this organization are committed to excellence in American education and contribute to national educational publications, surveys, and research projects; and

Whereas, the organization is having its 1995 NSTOY and Illinois Educational Leadership Conference at the Arlington Park Hilton in Arlington Heights;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim July 2-9, 1995, as TEACHERS WEEK in Illinois and urge all citizens to recognize teachers and the important impact they have on the lives of our children.

Issued by the Governor July 5, 1995.

Filed by the Secretary of State July 7, 1995.

95-360
ELDER W. JAMES CAMPBELL DAY

Whereas, the St. James Church of God in Christ was founded 51 years ago by the late Bishop Jesse Campbell on the West side of Chicago; and

Whereas, Elder W. James Campbell will celebrate his 25th anniversary as pastor of the St. James Church of God in Christ on September 25, 1995; and

Whereas, Elder Campbell has served on the boards of numerous organizations and currently hosts a gospel radio show on WYCA 92.3 FM; and

Whereas, Elder Campbell has been a friend, supporter, and an inspiration to many individuals;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim September 25, 1995, as ELDER W. JAMES CAMPBELL DAY in Illinois and urge all citizens to join in the celebration of this man's contributions to society.

Issued by the Governor July 6, 1995.

Filed by the Secretary of State July 17, 1995.

95-361
JUDY WEGNER DAY

Whereas, Judith Allison Wegner became involved in the sport of trapshooting as a young girl at the behest of her father; and

Whereas, now, Ms. Wegner is a 22-time All-American trapshooter; and

Whereas, in 1993, Ms. Wegner became the 16th woman to reach the 100,000 plateau in the American Trapshooting Association singles firing; and

Whereas, by the end of the 1994 season, she had registered 104,075 singles, 72,075 handicap, and 53,100 doubles targets; and

Whereas, Ms. Wegner is the first woman to be elected as director to the Illinois State Trap Shooting Association for the Northern Zone; and

Whereas, Ms. Wegner will be inducted into the Amateur Trap Shooting Hall of Fame at the World Trap Shoot event in Ohio on August 15, 1995;

Therefore, I, Governor of the State of Illinois, proclaim August 16, 1995, as JUDY WEGNER DAY in Illinois.

Issued by the Governor July 6, 1995.

Filed by the Secretary of State July 17, 1995.

95-362
NEW FRIENDSHIP MISSIONARY BAPTIST CHURCH WOMEN'S DAY

Whereas, New Friendship Missionary Baptist Church and its pastor, the Reverend Dr. Edwin Simmons, are an integral part of the lives of many individuals in Chicago; and

Whereas, the women of New Friendship Missionary Baptist Church will celebrate their 49th Annual Women's Day on September 24, 1995; and

Whereas, the Women's Day Committee of the church has scheduled two services on that day to commemorate the event; and

Whereas, these services will feature two talented and anointed female speakers;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim September 24, 1995, as NEW FRIENDSHIP MISSIONARY BAPTIST CHURCH WOMEN'S DAY in Illinois and urge all citizens to acknowledge and celebrate the accomplishments of all women.

Issued by the Governor July 6, 1995.

Filed by the Secretary of State July 17, 1995.

95-363
PAINT TECHNOLOGY DAY

Whereas, the Chicago Society for Paint Technology will celebrate its 75th Diamond Anniversary this year; and

Whereas, this organization is comprised of representatives of paint and coatings producers from the State of Illinois; and

Whereas, the Chicago Society for Paint Technology is one of the largest technical paint associations in the United States and the single largest paint manufacturing center in the country; and

Whereas, during the society's 75 years, its paint scientists have made many contributions toward better and brighter living conditions in Illinois communities;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 9, 1995, as PAINT TECHNOLOGY DAY in Illinois.

Issued by the Governor July 6, 1995.

Filed by the Secretary of State July 17, 1995.

95-364
INNER-CITY GAMES DAY

Whereas, the Inner-City Games brings Chicago an "Olympic-size" event that focuses on the accomplishments of the city; and

Whereas, the Inner-City Games will honor the memory of Chicago children that have been killed because of violence; and

Whereas, titled "Day of Champions, Victory for the Children," the event will feature sports and entertainment celebrities, athletics, and creative writing programs; and

Whereas, this event will provide more than 25,000 youths with an alternative to crime, gangs, and violence; and

Whereas, the Inner-City Games Awards Ceremony will honor award winners in sports, creative writing, and music;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim July 21, 1995, as INNER-CITY GAMES DAY in Illinois and urge all citizens to join this effort in giving the youths of our state an alternative to crime and violence.

Issued by the Governor July 10, 1995.

Filed by the Secretary of State July 17, 1995.

95-365
MASTER SERGEANT DAVID ADAMS APPRECIATION EXPRESSED

Whereas, David Adams entered the United States Marine Corps on March 1, 1973, and reported to USMC Recruit Depot San Diego for boot camp; and

Whereas, David Adams completed Military Occupational Specialty training in Communications and Electronics and was assigned to the Headquarters Marine Corps, Washington, D.C.; and

Whereas, Master Sergeant David Adams has been stationed at Camp Pendleton, California, Camp Lejeune and Cherry Point, North Carolina, Okinawa, Japan, and the Republic of Korea; and

Whereas, Master Sergeant David Adams' awards and medals include the Joint Service Commendation Medal, the Meritorious Unit Award, the Navy Unit Citation,

the Meritorious Unit Award, the Good Conduct Medal 6th Award, the National Defense Service Medal 2nd Award, the Southwest Asia Service Medal, the Humanitarian Service Medal, the Sea Service Deployment Ribbon 4th Award, the Overseas Ribbon 2nd Award, and the Kuwait Liberation Medal; and

Whereas, Master Sergeant David Adams will retire from the United States Marine Corps on August 1, 1995;

Therefore, I, Jim Edgar, Governor of the State of Illinois, express appreciation to Master Sergeant David Adams for 22 years of service to our country and best wishes on his retirement from the United States Marine Corps.

Issued by the Governor July 10, 1995.

Filed by the Secretary of State July 17, 1995.

95-366
LEON SHLOFROCK DAY

Whereas, Leon Shlofrock was born July 16, 1920; and

Whereas, he has spent his life serving others; and

Whereas, Leon Shlofrock enlisted in the United States Army in 1942 and fought bravely during World War II in Northern France, Central Europe, and Normandy, where he was wounded in 1944; and

Whereas, because of his heroic service during World War II, Leon Shlofrock received the Bronze Star, Purple Heart with Cluster, American Defense Award, Good Conduct Medal, Victory Medal of the European Theatre, and the Combat Infantry Badge; and

Whereas, after his service during World War II, he became an important figure in the business world, where he was -- and still is -- a noted business manager, and chairman or president of a variety of boards and councils; and

Whereas, Leon Shlofrock is the founder and Chairman Emeritus of the Illinois Council on Long-Term Care; and

Whereas, he has devoted his valuable time and talents as an esteemed member of the Governor's Health Care Reform Task Force, the Mental Health Service System Advisory Council, and the Illinois Department of Public Aid Task Force; and

Whereas, his generosity and dedication have been appreciated by businesses and communities throughout Illinois; and

Whereas, on July 16, 1995, Leon Shlofrock will celebrate his 75th birthday with his wife, Jean, his children, Morris, Jay, John and Elisa, and his grandchildren, Jake, Sydney and Allison, in addition to many friends and family members;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim July 16, 1995, as LEON SHLOFROCK DAY in Illinois in honor of his public and community service, his many accomplishments, and the 75th anniversary of his birth.

Issued by the Governor July 12, 1995.

Filed by the Secretary of State July 17, 1995.

95-367
DISASTER AREAS - COOK COUNTY

A severe heat wave impacting the State of Illinois over the previous week has resulted in hundreds of fatalities in the City of Chicago and Cook County that were directly related to the extreme heat. City and County resources

utilized in coping with this heat disaster have been strained. In addition to the loss of life, parts of the City and County have experienced power outages that have compounded the problem.

In the interest of responding to the threat imposed to public health and safety as a result of the heat wave, I hereby declare the City of Chicago and Cook County to be a State of Illinois disaster area, pursuant to the provisions of Section 3305/7 of the Illinois Emergency Management Agency Act, 20 ILCS 3305/7 (1992).

This gubernatorial declaration of disaster will aid the Illinois Emergency Management Agency in coordinating the assistance to City of Chicago and other units of government within Cook County from other State agencies, disaster relief organizations, and other community volunteer resources in providing reasonable and necessary emergency measures for disaster response. This declaration will also provide for the assessment of damages and the determination if supplemental Federal assistance, if warranted.

Issued by the Governor July 17, 1995.

Filed by the Secretary of State July 17, 1995.

95-368
BLOOD DONOR AWARENESS MONTH

Whereas, giving blood is a safe, normal, healthy human activity that helps save lives; and

Whereas blood donors are needed daily to meet the needs of patients in emergency rooms and surgical suites across the state; and

Whereas, giving blood offers continued hope to leukemia and cancer victims, patients with heart disease or sickle cell anemia, people who receive organ transplants, and all others who need blood transfusions to maintain or regain their health; and

Whereas, August is being designated as Blood Donor Awareness Month to encourage healthy citizens to join the ranks of blood donors and give of themselves generously; and

Whereas, this observation comes during a season when blood supplies typically dip dangerously low; and

Whereas, we should acknowledge the silent heroes who continue to unselfishly help save lives with each and every blood donation they give;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim August 1995 as BLOOD DONOR AWARENESS MONTH in Illinois.

Issued by the Governor July 14, 1995.

Filed by the Secretary of State July 24, 1995.

95-369
CHOLESTEROL AWARENESS MONTH

Whereas, nearly 4 million adults in Illinois are among the 94.9 million Americans who have an increased risk of illness and death because of elevated blood cholesterol; and

Whereas, nearly 3.5 million Illinois youths, 19 years of age and younger, are among the 26.2 million American youths who have an increased risk of illness and death because of elevated blood cholesterol; and

Whereas, elevated blood cholesterol is a risk factor for cardiovascular disease; and

Whereas, cardiovascular disease accounts for more than 40 percent of deaths in Illinois; and

Whereas, the estimated cost of cardiovascular disease in the United States is $128 billion and, in Illinois, is estimated to be $5.8 billion; and

Whereas, the efforts of the National Heart, Lung, and Blood Institute have, since 1983, increased by 34 percent the number of Americans who have their blood cholesterol levels checked; and

Whereas, 45 percent of all males and 53.5 percent of all females in Illinois have had their blood cholesterol levels checked, and 36.7 percent of all males and 44.4 percent of all females in Illinois have a serum cholesterol level of 240 mg/dL or better;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim September 1995 as CHOLESTEROL AWARENESS MONTH in Illinois and urge all Illinoisans to have their blood cholesterol levels checked regularly.

Issued by the Governor July 14, 1995.

Filed by the Secretary of State July 24, 1995.

95-370
SUSAN GILLUM LONDRIGAN DAY

Whereas, Susan Gillum Londrigan was born July 18, 1945, as Susan Eileen Gillum, the daughter of Margaret and John Gillum; and

Whereas, Susan was a model child, always obeying her parents (or just never getting caught), ironing for her sister, and having a telephone-only relationship with Nick Hoffman; and

Whereas, Susan also was a model teenager, never (like others) leaving school at lunch in search of Moon Pies, and foregoing singing in bars in Charleston for attending all of her classes at Eastern Illinois University; and

Whereas, Susan chose the career path of X-ray technology, a vocation that eventually led her to the radiology department of Mease Hospital, where she soon took over and learned how to "dress for success;" and

Whereas, Susan, who later became Susan Gillum Londrigan, now has three successful children to whom she is a model parent and friend; and

Whereas, Susan also has been a model aunt to her nieces and nephew, and has patiently demonstrated to two of them that it IS possible to be less neurotic than "Interplanet Janet;"

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim July 18, 1995, as SUSAN GILLUM LONDRIGAN DAY in Illinois in honor of the 50th anniversary of her birth and all of her admirable accomplishments.

Issued by the Governor July 14, 1995.

Filed by the Secretary of State July 24, 1995.

95-371
ESTHER ANN HARRIS HOPPER DAY

Whereas, Esther Ann Harris Hopper was born in Huntsville, Illinois, on July 21, 1895, to George Harris and Sallie Shankle Harris, and was the youngest of five children; and

Whereas, she taught elementary school in Hancock and Schuyler counties for 16 years and touched the lives of many students; and

Whereas, Esther Ann Harris Hopper was a capable and dedicated federal employee, as she worked 12 years and 10 months in the Huntsville post office;

and

Whereas, she has been a faithful lifetime members of the Huntsville Methodist Church; and

Whereas, Esther Ann Harris Hopper was the devoted wife of Ivan T. Hopper for 53 years; and

Whereas, she will today join the ranks of Illinois' centenarians;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim July 21, 1995, as ESTHER ANN HARRIS HOPPER DAY in Illinois and wish her continued health and happiness.

Issued by the Governor July 18, 1995.

Filed by the Secretary of State July 24, 1995.

89-372
INTERNATIONAL HERB ASSOCIATION WEEK

Whereas, the International Herb Association (IHA) is an organization of herb growers and marketers from across the United States and the world; and

Whereas, herbs have a variety of culinary, medicinal, aromatic, and design uses; and

Whereas, herbs have represented an important part of the American heritage and culture, as Native Americans and American immigrants have used herbs for many decades; and

Whereas, the IHA will celebrate its 10th anniversary during its 10th Annual Conference at the Palmer House-Hilton Hotel in Chicago from July 27-30, 1995;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim July 23-29, 1995, as INTERNATIONAL HERB ASSOCIATION WEEK in Illinois.

Issued by the Governor July 18, 1995.

Filed by the Secretary of State July 24, 1995.

95-373
40 AND 8 WEEK

Whereas, La Societe des 40 Hommes et 8 Chevaux du Illinois was established around 1920 by veterans for World War I and derived its name from the capacity of French railroad boxcars -- either 40 men or 8 horses; and

Whereas, La Societe des 40 Hommes et 8 Cehvaux du Illinois now includes those who have fought in World War II, Korea, Vietnam, Lebanon, Grenada, Panama, and the Persian Gulf; and

Whereas, the Societe is comprised of American Legion members who are elected to the society in recognition of their outstanding efforts on behalf of the Legion; and

Whereas, members of La Societe, known as "voyageurs militaire" or traveling soldiers, devote their efforts to the promotion of good citizenship, pride in flag and country, and to raising money for scholarships; and

Whereas, La Societe is having it annual state convention in Springfield in July;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim July 17-23, 1995, as 40 AND 8 WEEK in Illinois.

Issued by the Governor July 21, 1995.

Filed by the Secretary of State July 27, 1995.

95-374
MARVIN H. ASTRIN DAY

Whereas, Nathaniel Gibson earned a bachelor's degree in history from Tennessee State University in 1962 and a master of social work from the University of Illinois in 1970; and

Whereas, Nathaniel Gibson, a U.S. Army veteran, began his employment with the Department of Children and Family Services in 1965 as a social worker trainee in the East St. Louis region and later became a direct service worker and supervisor in the Springfield region; and

Whereas, he was named Administrator of the Child Welfare Training Institute in 1984; and

Whereas, Nathaniel Gibson has received numerous awards that include the Frontiers Distinguished Service Award (1971), DCFS Manager of the Year Award (1989), Springfield Urban League Leadership Award (1986), Professional Service Award, Southern Illinois University School of Social Work (1992), an Illinois Senate Resolution (1992), and the African- American Outstanding Achievement Award (1995); and

Whereas, Nathaniel Gibson's community involvement includes membership at the Union Baptist Church, the Springfield Urban League Board of Directors, and the Illinois Minorities in Government Board of Directors; and

Whereas, Nathaniel Gibson serves as chairman for the Springfield Chapter of the United Negro College Fund and vice-chairman of the Illinois Minorities in Government; and

Whereas, Nathaniel Gibson has devoted 30 years of dedicated service through the Department of Children and Family Services to the children and families of Illinois;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim July 21, 1995, as NATHANIEL GIBSON DAY in Illinois in honor of his dedication to the community and the State of Illinois.

Issued by the Governor July 21, 1995.

Filed by the Secretary of State July 27, 1995.

95-375
NATHANIEL GIBSON DAY

Whereas, the Peruvian community celebrates July 28 in recognition of the Proclamation of Independence by Don Jose de San Martin, an important event in their culmination for independence; and

Whereas, it is further recognized as the Day of Independence of the Country of Peru and the holiday of Peruvian nationals throughout the world;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim July 28, 1995, as PERU DAY in Illinois in recognition of Peruvians and Peruvian-Americans who make significant contributions to the strength, diversity, and prosperity of Illinois.

Issued by the Governor July 21, 1995.

Filed by the Secretary of State July 27, 1995.

95-376
PARENTS' DAY

Whereas, National Parents' Day was formed to recognize and promote

responsible parenting; and

Whereas, the importance of responsible and caring parents in the lives of our nation's youth cannot be underestimated; and

Whereas, in order to give youth the chance to be successful and responsible adults, parents should be encouraged to uphold the responsibility of making family values, love, education, and discipline an integral part of their children's lives; and

Whereas, National Parents' Day not only recognizes and promotes responsible parenting, it also encourages individuals, communities, and states to create new programs; and

Whereas, this year, parents in communities across Illinois and the nation will recognize National Parents' Day by participating in events designed to celebrate the 1995 theme "The Power of Parents to Change Lives -- Through Participation in Education;"

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim July 23, 1995, as PARENTS' DAY in Illinois in honor of all parents and the value that they have in the lives of their children.

Issued by the Governor July 21, 1995.

Filed by the Secretary of State July 27, 1995.

95-377
PROFESSIONAL PHOTOGRAPHERS OF AMERICA DAY

Whereas, in 1880, the Photographers Association of America was formed, later changing its name to Professional Photographers of America, Inc.; and

Whereas, it is the world's largest association for professional photographers and it establishes standards of professional performance; and

Whereas, the organization also provides continuing education opportunities for its 14,000 individual members and 216 affiliated organizations worldwide; and

Whereas, Professional Photographers of America also offers it members other services that include publications, insurance programs, networking opportunities, and an annual convention and trade show; and

Whereas, members of the organization belong to one of two divisions, which include the Consumer Division and the Business Division; and

Whereas, the members of this organization will gather July 28-August 2, 1995, for the Professional Photographers of America Annual Convention;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim July 28, 1995, as PROFESSIONAL PHOTOGRAPHERS OF AMERICA DAY in Illinois.

Issued by the Governor July 21, 1995.

Filed by the Secretary of State July 27, 1995.

95-378
PERU DAY

Whereas, the Peruvian community celebrates July 28 in recognition of the Proclamation of Independence by Don Jose de San Martin, an important event in their culmination for independence; and

Whereas, it is further recognized as the Day of Independence of the Country of Peru and the holiday of Peruvian nationals throughout the world;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim July 28, 1995, as PERU DAY in Illinois in recognition of Peruvians and Peruvian-Americans who make significant contributions to the strength, diversity, and prosperity of Illinois.

Issued by the Governor July 21, 1995.

Filed by the Secretary of State July 27, 1995.

95-379
SOUTH CENTRAL COMMUNITY SERVICES DAY

Whereas, South Central Community Services (SCCS) is a social service agency that is committed to providing social, mental health, cultural enrichment, economical, educational, and recreational services to individuals and families in communities in and around Chicago; and

Whereas, during the 1993-94 Fiscal Year, SCCS issued a list of promises to its clients; and

Whereas, during that time, SCCS fulfilled those promises, which included offering creative learning opportunities to children, providing nutritional food to individuals and families, providing basic education and job skills to adults, placing children in loving and caring foster or adoptive homes, and addressing the needs of emotionally disturbed youth; and

Whereas, SCCS daily strives to fulfill more promises and to maintain quality programs and services; and

Whereas, this year, SCCS will celebrate its 25th anniversary of offering quality services to the Chicago community;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim September 9, 1995, as SOUTH CENTRAL COMMUNITY SERVICES DAY in Illinois in honor of this commendable organization and the assistance that it offers to the residents of Chicago.

Issued by the Governor July 21, 1995.

Filed by the Secretary of State July 27, 1995.

95-380
VOCATIONAL STUDENT ORGANIZATION WEEK

Whereas, the proper education of today's youth is a concern of all Americans; and

Whereas, vocational student organizations are dedicated to the advancement of proper education, training, and development of America's youth; and

Whereas, for the past 17 years, organizations such as the Illinois Coordinating Council for Vocational Student Organizations (ICCVSO) have advanced the awareness of the importance of vocational student organizations as an integral part of the educational curriculum; and

Whereas, vocational student organizations in Illinois include the Business Professionals of America, Future Business Leaders of America (FBLA), Future Homemakers of America/Home Economics Related Occupations (FHA/HERO), Health Occupations Students of America (HOSA), Illinois Association FFA (FFA), Illinois Association of DECA (DECA), Illinois Postsecondary Agricultural Student Organization (PAS), Phi Beta Lambda (PBL), Technology Student Association (TSA), and Vocational Industrial Clubs of America (VICA);

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 2-8, 1995, as VOCATIONAL STUDENT ORGANIZATION WEEK in Illinois in recognition of the contributions made by these organizations to the education of our youth.

Issued by the Governor July 21, 1995.
Filed by the Secretary of State July 27, 1995.

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